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California Constitution

THE NATIONAL FLAG ☞

MAGNA CHARTA ☞ ☞ ☞ DECLARATION OF RIGHTS OF AMERICAN COLONIES, 1765 AND 1774 ☞ ☞ DECLARATION OF INDEPENDENCE ☞ ☞ ARTICLES OF CONFEDERATION

CONSTITUTION OF THE . . . UNITED STATES . . .

TREATY WITH MEXICO ☞ ☞ ☞ ☞ GENERAL RILEY'S PROCLAMATIONS, 1849 ☞ ☞ ACT ADMITTING CALIFORNIA INTO THE UNION ☞ CONSTITUTION OF CALIFORNIA, 1849 ☞ ☞

CONSTITUTION OF CALIFORNIA, 1879

PROPOSED AMENDMENTS TO THE CONSTITUTION TO BE VOTED UPON IN NOVEMBER, 1910 ☞ ☞ ☞ ☞ ☞ ☞

. . . . . COMPILED BY . . . . . .
C. F. CURRY, SECRETARY OF STATE

SACRAMENTO:
W. W. SHANNON, - - - - - - SUPT. STATE PRINTING
1909

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Department of State,

Sacramento, California.

This publication was first issued from this office in 1903. It contained the Declaration of Rights, Declaration of Independence, Articles of Confederation, Constitution of the United States, the Act of Congress admitting California into the Union, the Constitution of the State of California, adopted in 1879, with citations from the California Reports following each section; also the Magna Charta, in both Latin and English, which is incidentally of interest to the American people, as out of it developed the British Constitution, from which source was taken many of the fundamental principles of government embodied in the Constitution of the United States.

The first edition, numbering 5,000, was soon exhausted, and a second edition of 7,500 was issued in 1907, containing also the Treaty with Mexico, 1848, General Bennet Riley's Proclamations, 1849, and the California Constitution of 1849.

The edition of 1907 has also been exhausted, and owing to the constant and increasing demand for the publication, not only from lawyers, but from the citizenship generally outside of the legal profession, and from teachers and pupils in our public schools, it has been found necessary to issue a third edition.

The book herewith presented contains all the matters included in former editions, and is brought up to date with the amendments to the California Constitution adopted by the people at the election held November 3, 1908, and citations from the decisions of the Supreme Court of California, completely revised and brought up to and including volume 153 of the California Reports, also citations from decisions of the District Courts of Appeal up to and including volume 7 of the California Appellate Reports, the last numbers issued of those publications, which take in the decisions of the Supreme Court up to July, 1908, and of the Appellate Courts up to March, 1908. Citations are further given from decisions rendered subsequent to those periods and are continued up to March 1, 1909, as taken from the "California Decisions" and the "California Appellate Decisions."

In addition there are also given the amendments to the California Constitution proposed by the Legislature of 1909.

C. F. Curry.

SECRETARY OF STATE.

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PROTECTION OF THE FLAG.

[The following Act (Senate Bill No. 96) was introduced in the California Legislature of 1909 by Hon. William H. Savage, State Senator from the 34th District, Los Angeles County.]

CHAPTER 263.

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered 310 and to read as follows:

310. That any person, firm or corporation, who, in any manner, for exhibition or display, puts, places, or causes to be placed, an inscription, picture, device, design, symbol, name, advertisement, word, letter, character, mark or notice of any kind whatsoever, upon any flag of the United States, or ensign evidently purporting to be such flag, or who in any manner appends, annexes or affixes to any such flag any inscription, picture, device, symbol, name, advertisement, word, letter, character, mark or notice whatsoever, or who displays or exhibits, or causes to be displayed or exhibited, any flag of the United States or ensign purporting to be such flag, upon which is put, attached, annexed, affixed or placed in any manner, any inscription, picture, design, device, symbol, name, advertisement, word, letter, mark or notice whatsoever, or who mutilates, tramples upon, or otherwise defaces or defiles any such flag, said flag, be public or private property, or who places or causes to be placed on any manufactured or prepared article or covering of said article, such flag, or indication of such flag, or who uses or causes to be used for purposes of a commercial or other trade-mark, such flag, or indication of such flag, shall be fined not more than two hundred dollars or imprisoned not more than one year, or both, for each and every offense, in the county jail of the county in which the trial is held; *provided however*, that flags, or ensigns, the property of and used in the service of the United States, or any state, territory or District of Columbia, may have inscriptions, names of actions, battles, skirmishes, or words, marks or symbols, which are placed thereon pursuant to law or authorized regulations; *provided further*, that this act shall not apply to banners or flags carried by military or patriotic organizations existing under the laws of the State of California and the United States of America, or to flags used in theatrical performances, or to flags carried by political parties, or organizations, in parades, or in public meetings. [Approved March 18, 1909; Stats. 1909, p. 401.]

"I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

HISTORY OF COLONIAL AND REVOLUTIONARY FLAGS AND THE NATIONAL FLAG OF THE UNITED STATES.

Prior to the Declaration of Independence the different colonies retained the standards of the mother country, the ancient national flag of England, a white banner with the red cross of St. George, or the union flag of King James, a combination of the crosses of St. George and St. Andrew, designated as the "King's colors." There was sometimes an addition, however, of some local emblem. Massachusetts, for instance, adopted for its emblem the pine tree, placing the device also on its coins.

According to the Massachusetts Bay records, the red cross of St. George was in use in that colony in 1634, and probably had been for some time. The Puritans strongly objected to the red cross in the flag, on the narrow ground that it was a papistical symbol and was idolatrous. In November, 1634, John Endicott, of Massachusetts, a Puritan of the most austere type, with his sword cut the cross out of the banner that hung before the Governor's gate. His act received so much support in sentiment among the militiamen that in 1635 the Military Commissioners substituted the King's colors for the cross of St. George, to be displayed from ships and over Castle Island, Boston, because the castle belonged to the King, but colors were appointed for the militia companies, with the red cross left out of all of them. The English Parliament, however, in 1651, revived the standard of St. George, and the General Court of the Commonwealth of Massachusetts decreed that it be used on all appropriate occasions.

The flags in use in America in these early times were of various construction and arrangement of color. Sometimes a white field was charged with the red cross; at other times the

field was red with the cross cantoned on a white field in one corner; sometimes, too, the field was blue, with the cross cantoned in white, and at times a pine tree or globe was displayed in the canton along with the cross. Under the government of Sir Edmund Andros the flag of New England had a white field, charged with the cross of St. George, surmounted with a crown, and bearing the inscription J. R. (Jacobus Rex). In 1707, when, under Queen Anne, the kingdom of Great Britain, including England, Wales, and Scotland, was established by treaty, the Union Jack of the time of King James was adopted by the American colonies, in conformity to the action of the British Parliament.

At the commencement of the Revolution the revolted colonies displayed quite a variety of flags, those so much spoken of in 1774 as "union flags" being red English ensigns, with the Union Jack, or combined crosses of St. George and St. Andrew, and bearing, in addition, such mottoes as "Liberty," "Liberty and Union," etc.

The "Union, with a red field," or, in other words, a red ensign, was displayed at New York in March, 1775, on a liberty pole, with the inscription, "George Rex and the Liberties of America." The Connecticut troops displayed on their standards after the battle of Lexington the arms of the colony, with the motto "Qui transtulit, sustinet," which was freely translated "God, who transported us hither, will support us." Sometime later the Provincial Congress ordered that the regiments be distinguished by the colors of their flags. Nothing is positively known as to what flag, or whether any flag, was carried by the Americans at Bunker's Hill, but there is a tradition that one was hoisted at the redoubt with the motto, "Come if You Dare." The generally accepted belief as brought down from early descriptions is that the Bunker Hill flag was blue, with the red cross of St. George and a green pine tree in a white canton in the upper left hand corner. The motto, "An Appeal to Heaven," was ordered by the Provincial Congress of Massachusetts, in 1776, to be borne on the flag of the warships of that colony. This flag was the green pine tree on a white field. The first warships commissioned by Washington, sailed under the pine-tree flag. Blue, with a white crescent, was the first revolutionary flag unfurled in the South. This was hoisted on the fortifications of Charleston, September 13, 1775, being the

design of Captain William Moultrie, who prepared it at the request of the Council of Safety.

The flag known as the "Great Union" was first unfurled by Washington at Cambridge, on January 2, 1776. It combined the thirteen alternate red and white stripes of the present United States flag, with the St. George and St. Andrew crosses on the blue canton where the stars now are.

The first flag adopted by the ships of the United States as a national ensign consisted of the familiar horizontal stripes, with the British union, however, retained in a canton. Commodore Esek Hopkins bore this flag at the masthead of his ship when he sailed with his fleet from the Delaware capes on February 17, 1776. A yellow ensign, with the device of a rattlesnake about to strike, and bearing the motto, "Don't Tread on Me," was carried by Hopkins previous to the introduction of the "Great Union." The snake emblem on many of the flags then used was doubtless suggested by the illustrations at the heads of many of the newspapers of the time, representing a snake in thirteen sections, each inscribed with an abbreviation of the name of a colony and bearing the motto, "Join or Die." Sometimes the snake was represented coiled around the base of a pine tree, and at others lying at length on a field of thirteen alternate red and white or red and blue stripes. Again, it was coiled in the center on a yellow field.

When the "Great Union," whose official origin is somewhat obscure, was adopted, the legal rights of the mother country were still acknowledged by the colonists; hence the combination of the crosses of St. George and St. Andrew was retained. The thirteen red and white stripes were probably derived from the red flag of the army and the white flag of the navy, which were previously in use. It is said that the thirteen stripes were first used in a banner presented by Captain Abraham Markoe to the Light Horse troop of Philadelphia in 1775. This banner is still in the possession of the troop, and is sometimes displayed at its anniversary dinners. The stripes, however, were cantoned in the upper left hand corner, while the center of the flag contained armorial emblems.

THE NATIONAL FLAG.

The emblems of union with Britain were retained in the American flag until the year after the signing of the Declaration of Independence. As they were then considered altogether inappropriate, Congress decreed, on June 14, 1777, that "the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." This was the basis of the present United States Flag, which only differs in the number of white stars cantoned on the blue, and is the first definitely recorded legislative act for the adoption of a National Flag.

The original thirteen States were: New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Delaware, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia. Some of the flags used, when only twelve of the States had ratified the articles of the Convention, bore only twelve stars.

The resolution in relation to the Flag was published in the papers in August, but the design was not officially promulgated by Congress until the 3d day of September.

There is a story that the National Flag was first unfurled by Paul Jones on the Ranger, he having been appointed to the command of that ship on the very day that Congress passed the National-flag resolution. It has long been accepted as a historical fact that the first military display of the Flag in battle was made August 2, 1777, when the American garrison at Fort Stanwick, New York, besieged by redcoats and Indians, raised a curiously improvised banner made up of shirts cut up to form the white stripes, bits of scarlet cloth joined for the red, and the blue ground for the stars composed of a cloth cloak.

Although tradition speaks of the unfurling of the Stars and Stripes immediately after the Declaration of Independence, there is no definite evidence of the use of the flag of thirteen stars and thirteen stripes prior to its adoption by the American Congress. George Henry Preble, Rear Admiral, U. S. N., in his "History of the Flag of the United States of America," has this to say:

"Beyond a doubt, the thirteen stars and stripes were unfurled at the battle of Brandywine, September 11, 1777, eight days after the official promulgation of them at Philadelphia, and at

Georgetown on the 4th day of October following; they witnessed the operation against and the surrender of Burgoyne, after the battle of Saratoga, October 17, 1777; and the sight of this new constellation helped to cheer the patriots of the army amid their sufferings around camp fires at Valley Forge the ensuing winter. They waved triumphant at the surrender of Cornwallis at Yorktown, September 19, 1781; looked down upon the evacuation of New York, November 25, 1783; and shared in all the glories of the latter days of the revolution."

It is conceded by all authors of books touching upon the subject, that the first flag combining the stars and stripes was made and partially designed by Elizabeth or "Betsy" Ross, at No. 89 Arch street (now No. 239), Philadelphia, Pennsylvania. Mrs. Ross made the flag after a rough drawing explained to her by General Washington, during the year 1776, for the use of the committee of Congress "appointed to design a suitable flag for the nation." After its adoption by Congress Mrs. Ross was for many years engaged in making flags for the Government.

The National Flag of the United States is a growth rather than a creation. It is not known with any degree of accuracy by whom the stars were first suggested. Some ascribe their suggestion to John Adams, while others maintain that the design of the whole flag was borrowed from the arms borne by the Washington family. The earliest recorded suggestion of stars as a device is found published March 10, 1774, in the "Massachusetts Spy," in a song written for the anniversary of the Boston Massacre of the 5th of March. In poetic fancy, the writer foresees the victories of the American Flag:

"A ray of bright glory now beams from afar,
The American ensign now sparkles a star
Which shall shortly flame wide through the skies."

Still another origin is claimed for the National Flag, it being asserted that the blue field was taken from the banner of the Scottish Covenanters, and is, therefore, significant of "the League and Covenant of the United States against oppression."

FIFTEEN STARS AND STRIPES.

The thirteen stars on the blue canton in the flag of 1777 were arranged in a circle, although no special form for their disposition was officially prescribed. The stars were probably disposed

in a circle to symbolize the perpetuity of the new Nation, as well as the equality which existed among the States. The National Flag in this form continued unchanged until May 1st, 1795. In the year before, Senator Bradley of Vermont, whose own State, on March 4, 1791, as also Kentucky on June 1, 1792, had been admitted to the Union, introduced a bill, which passed Congress and was approved January 13, 1794, as follows:

"*Be it enacted, etc.*, That from and after the first day of May, one thousand seven hundred and ninety-five, the Flag of the United States be fifteen stripes, alternate red and white; that the union be fifteen stars, white in a blue field."

This Flag floated throughout the war of 1812-14, and was the identical flag that the Chesapeake flew in its famous encounter with the Shannon, off Boston, in 1813.

No provision, however, was made in the Act of 1794, for future alterations, and the admission of the states of Tennessee, June 1, 1796; Ohio, November 29, 1802; Louisiana, April 30, 1812; Indiana, December 11, 1816, and Mississippi, December 10, 1817, made a change in the Flag necessary.

THIRTEEN STRIPES, WITH A STAR FOR EVERY STATE.

In 1817, Congress took up the question of altering the Flag, and on the 2d day of January, 1817, a bill was reported embodying the suggestions of Captain Samuel C. Reid, a naval officer who gained renown for his defense of the brig General Armstrong, against a vastly superior British force in the Fayal Roads in 1813. Captain Reid recommended that the stripes be reduced to the original thirteen, and that stars equal to the number of States in the Union be adopted, formed into one large star, a new star to be added on the fourth of July next succeeding the admission of any new State.

A long debate ensued, and no final action was taken upon the question during that session of Congress. In the session of 1818, a bill was finally passed fixing the number of stripes permanently at thirteen, but without any regulations for the arrangement of the stars beyond that there should be as many as there were States in the Union. This bill was approved by the President, April 4, 1818, and read as follows:

"AN ACT TO ESTABLISH THE FLAG OF THE UNITED STATES.

"SECTION 1. *Be it enacted, etc.*, That from and after the fourth day of July next, the Flag of the United States be thirteen horizontal stripes, alternate red and white; that the union have twenty stars, white in a blue field.

"SEC. 2. *And be it further enacted*, That on the admission of every new State into the Union, one star be added to the union of the Flag; and that such addition shall take effect on the fourth of July next succeeding such admission."

The first flag, as thus established in 1818, was made by Mrs. S. C. Reid, of New York, wife of Captain Reid, under the direction of her husband. It was hoisted on the flagstaff of the House of Representatives April 13, 1818, though the law provided that the Act should not take effect until the following Fourth of July.

The "Washington Gazette," under date of April 10, 1818, published the following:

"By this regulation the thirteen stripes will represent the number of states whose valor and resources originally effected American independence; and the additional stars—the idea of which has been borrowed from the science of astronomy—will mark the increase of the states since the adoption of the present Constitution. This is the second alteration which has taken place in the Flag of the United States, and we trust it will be the last. There is a manifest inconvenience in altering a national Flag; and in the present instance it may, in some degree, prove injurious to our navigation, considering the number of licentious privateers that are abroad. Our merchants and navigators would do well to attend to the alteration in time. The time allowed for the alteration contemplated by the Act of the 4th instant is, we fear, too short. It does not allow three months to persons interested to prepare themselves for the change; and it will take one month at least before the provisions of the Act will be known at New Orleans."

Stars were added to the constellation as new states were added to the Union in the following order: Illinois, on December 3, 1818, was the first state to be admitted after adopting the Flag, and following came Alabama, December 14, 1819; Maine, March 15, 1820; Missouri, August 10, 1821; Arkansas, June 15, 1836; Michigan, January 26, 1837; Florida, March 3, 1845; Texas,

December 29, 1845; Iowa, December 28, 1846; Wisconsin, May 29, 1848; California, September 9, 1850; Minnesota, May 11, 1858; Oregon, February 14, 1859; Kansas, January 29, 1861; West Virginia, June 19, 1863; Nevada, October 31, 1864; Nebraska, March 1, 1867; Colorado, August 1, 1876; North Dakota, November 3, 1889; South Dakota, November 3, 1889; Montana, November 8, 1889; Washington, November 11, 1889; Idaho, July 3, 1890; Wyoming, July 10, 1890; Utah, January 4, 1896, and Oklahoma, November 16, 1907, thus altering the Flag from time to time, until it now contains forty-six stars.

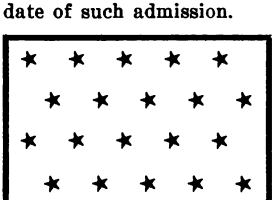
In consequence of the great increase in the number of stars, the circular arrangement, as on the Flag of 1777, had to be abandoned, and where the full number of stars are used they are now disposed in parallel lines.

FLAGS OF THE ARMY AND NAVY.

After the establishment of the Flag in 1818, the following circulars were issued:

"NAVY COMMISSIONERS' OFFICE, May 18, 1818.

"SIR: The Navy Commissioners have to inform you that agreeably to the Act of Congress of the 4th day of April, 1818, entitled, 'An Act to establish the Flag of the United States,' our National Flag is, from and after the 4th day of July next, to be: Thirteen horizontal stripes, alternate red and white. The union to be twenty stars, white in a blue field; one star to be added on the admission into the Union of every new State; such addition to be made from and after the 4th of July next succeeding the date of such admission.



"The size of the flag must be in the proportion of fourteen feet in width and twenty-four feet in length, the field of the union must be one third of the length of the flag, and seven thirteenths of its depth, so that from the top to the bottom of the union there will be seven stripes, and six stripes from the bottom of the union to the bottom of the flag. The manner of arranging the stars you

will perceive by the subjoined sketch. The upper and the lower stripes to be red.

"Respectfully,

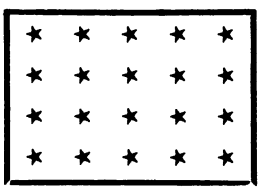
"JNO. RODGERS, President.

"To the officer commanding, Navy Yard, Portsmouth, N. H."

This was amended by the following circular:

"NAVY COMMISSIONERS' OFFICE, September 18, 1818.

"SIR: Since our circular of the 18th of May last, relative to the Flag to be worn by the vessels of the United States and at our naval stations, it has been determined by the President of the United States that the arrangement of the stars shall correspond with the pattern stated below, and the relative proportions of the Flag to continue as stated in our circular. You will govern yourself accordingly.



"On the first hoisting of the flag, you are to fire a salute of twenty guns.

"I am, respectfully, your obedient servant,

"JNO. RODGERS,

"President of the Navy Board.

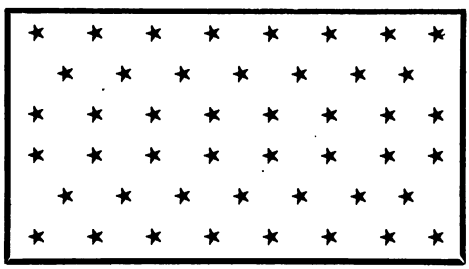
"CAPTAIN MORRIS, *Portsmouth.*"

The Army regulations at the present time, as issued by the War Department, provide:

"ARTICLE XXVIII. PAR. 213. The Flag of the United States has thirteen horizontal stripes, seven red and six white, the red and white stripes alternating, and the union of the Flag consists of white stars in a blue field placed in the upper quarter next the staff, and extending to the lower edge of the fourth red stripe from the top. The number of stars is the same as the number of states in the Union. On the admission of a State into the Union, one star will be added to the union of the flag, and such addition will take effect on the 4th day of July next succeeding such admission.

"214. The field or union of the national Flag in use in the Army will, from and after July 4, 1908, consist of forty-six

stars, in six rows, the first, third, fourth, and sixth rows to have eight stars, and the second and fifth rows seven stars each, in a blue field, arranged as follows:



"215. The Flag of the President shall be of blue bunting, with the official coat of arms of the United States of suitable size in the center, and shall be 10.20 feet hoist, 14.40 feet fly.

"221. The garrison, post, and storm flags are National Flags, and shall be of bunting. The union of each is as described in paragraph 214, and shall be one third the length of the Flag.

"The garrison flag will have 36 feet fly and 20 feet hoist. It will be furnished only to posts designated in orders from time to time from the War Department, and will be hoisted only on holidays and important occasions.

"The post flag will have 20 feet fly and 10 feet hoist. It will be furnished for all garrisoned posts, and will be hoisted in pleasant weather.

"The storm flag will have 8 feet fly and 4 feet 2 inches hoist. It will be furnished for all occupied posts for use in stormy or windy weather. It will also be furnished to national cemeteries and recruiting stations."

In addition to the national Flag, Army regimental colors are carried. For infantry regiments, the regulations are (Paragraph 226):

"The regimental color, of same dimensions as National color, shall be of blue silk, having embroidered upon it in colors the official coat of arms of the United States, of suitable size. Below the coat of arms shall be placed a scroll embroidered in red silk, bearing the inscription '——— U. S. Infantry,' em-

broidered in white silk; the edges to be trimmed with knotted fringe of yellow silk 2½ inches wide; cord and tassels same size as those of national color, to be of blue and white silk strands."

The regimental standard for the cavalry branch of the service is of the same design, but is of yellow silk, instead of blue. Underneath the coat of arms of the United States, as in the infantry, is placed a scroll bearing the number of the regiment. (Par. 227, U. S. Army Regulations.)

Field artillery regiments have a scarlet standard.

In the U. S. Navy a considerable variety of flags are in use. The National ensign is the same as prescribed for the Army. The "Union Jack" is a dark blue flag with no stripes but with forty-six white stars arranged in parallel lines the entire length of the field. The U. S. man-of-war pennant is a narrow flag tapering to a point, and is sometimes of great length. It bears thirteen stars on a blue field, finished by a streamer of one white and one red stripe. It is known as the "homeward bound" pennant and flies astern of a man-of-war when leaving for a home port. The President's flag for use at sea is the same as that used on land. The flag of the Secretary of the Navy contains an anchor and four white stars arranged in a parallelogram on a blue field. An Admiral's flag is of blue with four white stars arranged as a diamond. A Vice-Admiral's flag has three stars, and a Rear-Admiral's flag two stars, on a blue field. A Commodore's flag is of blue, forked or "swallowtailed" at the end, and bears a single white star in the center. The U. S. revenue flag contains sixteen red and white stripes running perpendicularly, with the national arms and thirteen stars cantoned in dark blue on a white background in the upper left-hand corner. The quarantine flag is of plain yellow, a color in general use for this purpose among all departments of the Government, military, naval, or civil. The U. S. yacht ensign has the thirteen stripes arranged as on the National Flag, but instead of the forty-six stars shows but thirteen, surrounding a white foul anchor on a blue field.

When the U. S. standard is hoisted upside down it is a signal of distress.

CHRONICLES OF THE FLAG.

Many are the poetic and beautiful interpretations of the subtle meaning lying behind the stars and stripes of our National emblem.

While some such interpretations might surprise, yet many would doubtless delight the original designers of "Old Glory," but so long as it shall "wave o'er the land of the free and the home of the brave," will the immortal poem of Francis Scott Key stir the heart of every true American to patriotic fervor.

Francis Scott Key, the author of "The Star-Spangled Banner," was born in Frederick County, Maryland, August 9, 1780, and died in Baltimore January 11, 1843. The song was first published in the "Baltimore American" eight days after the bombardment of Fort McHenry, Baltimore, September 13, 1814.

The phrase, "I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice to all," which is repeated by pupils in the public schools, originated with the late J. B. Upham, of Boston, Masachusetts, who was the originator and chief promoter of the School Flag Movement.

The Flag of the United States at the time of the Revolution had thirteen stars; in the War of 1812, fifteen stars; in the Mexican War, twenty-nine stars; in the Civil War, thirty-five stars; and in the Spanish-American War, forty-five stars.

It waved for the first time over a foreign fortress when the Americans took possession of Fort Nassau, on the Island of New Providence, the seat of government of the Bahama Islands, on the 28th day of January, 1778.

It was displayed for the first time in a British port in 1783, when it was hoisted by Captain William Mooers, of the American ship "Bedford," of Nantucket, who sailed up the River Thames with a cargo of whale oil and reported at the London Custom House.

The honor of first carrying our flag around the world belongs to the ship "Columbia," built on the North River, Massachusetts, and which sailed out of Boston with Captain John Kendrick, on the 30th of September, 1787, on a trading expedition to the Northwest country. The sloop "Lady Washington," Captain Robert Gray, accompanied as a consort. The two vessels rounded Cape Horn in January, 1788, and proceeded up the Pacific coast to Nootka Sound, where they spent the following winter and summer trading among the Northwest Indians.

The "Columbia" having been loaded with a cargo of furs, it was agreed by the two captains that Kendrick should remain with the sloop upon the coast, while Gray should sail in the "Columbia" for Southern China, which he accordingly did on

July 30, 1789, arriving at Canton on the 6th day of December. There he sold his furs, and took on board a cargo of tea, with which he entered Boston harbor on the 10th day of August, 1790, amid the firing of welcoming salutes. The "Columbia" returned by way of the Cape of Good Hope, thus making the circuit of the globe, for the first time in the history of the Stars and Stripes.

In a later voyage, on May 7, 1792, Gray discovered a harbor in latitude 46° 58′, which he named Bullfinch Harbor, in what is now the State of Washington. This was afterwards renamed Gray's Harbor. Early in the morning of the 11th day of May, the "Columbia" sailed up the great river which now bears its name. On May 19th, Gray landed with his crew, formally named the river after his famous ship, and claimed it for the United States. Gray's discovery was the foundation of our claim to the Oregon country.

The twin-screw steam schooner "Midas" was the first American steamer to carry the Flag around the Cape of Good Hope while en route to China in 1844.

The first merchant vessel to carry the Stars and Stripes through the Straits of Magellan was the "Endeavor," Captain David Elwell, in 1824.

In 1839 the pilot boat "Flying Fish," Lieut. W. M. Walker, attached to the Wilkes U. S. Exploring Expedition, carried our Flag to the latitude of 70° 14′ S. and about longitude 100° W.

The bark "Edith" was the first auxiliary screw steamer under the American Flag that went to the British Indies. She was launched in 1844, and sailed from New York January 18, 1845. She was afterwards chartered by, and finally sold to, the War Department, and sent to California, where she was transferred to the Navy, and lost off the coast of Santa Barbara.

The first American propeller packet ship to carry our Flag to England was the "Massachusetts." She was launched at East Boston July 22, 1845, and sailed from New York September 17, 1845. She, like the "Edith," was chartered by the Government, transferred to the Navy Department, and sent to California. During the Civil War her engines were taken out, and she was refitted as a storeship and renamed the "Farallones." After the war she was sold in San Francisco, and renamed the "Alaska," and was engaged in carrying wheat from that port to Liverpool. Pictures of both the "Edith" and the "Massachusetts" are in the Naval Library and Institute at Charlestown.

According to the Boston "Daily Advertiser" the first Stars and Stripes were raised in California, at San Diego, by Captain James P. Arther, when mate of the ship "Brookline," while on a trading cruise in the latter part of 1829. The flag was manufactured from shirts, and Captain Arther writes, with the accuracy of a historian, that Mr. George W. Greene's calico shirt furnished the blue, while he furnished the red and white. The same flag was afterwards frequently raised at Santa Barbara.

This flag, however, was not raised as an act of sovereignty, but to show the nationality of the party and as a signal to other vessels.

Mr. Ed. E. Dunbar, in "The Discovery of Gold in California," writes: "In 1842 Commodore Jones, of the United States Navy, impressed that the United States were at war with Mexico, took possession of Monterey, hoisted the 'Stars and Stripes' there, and proclaimed California a Territory of the United States. Discovering his mistake the next day, he hauled down our Flag, and made such apology as the circumstances would admit."

The Flag was officially raised in California by Commodore Sloat, at Monterey, July 7, 1846, and at San Francisco, by Commander Montgomery of the sloop-of-war "Portsmouth," July 8, 1846, on the Plaza, which was henceforth named "Portsmouth Square."

Hoisted by Lieutenant Lynch, for the first time in Palestine, March 31, 1848; displayed on the Sea of Galilee, April 8, 1848, and on the Dead Sea, April 19, 1848.

Planted by Lieutenant Stone on the loftiest peak of Mount Popocatepetl, Mexico, at an altitude estimated from 17,720 to 18,362 feet, April 11, 1848.

A party of nine officers, thirty soldiers, and two sailors started the ascent of Mount Orizaba, Mexico, where man had never trod before, but only three Army officers and two Navy officers succeeded in reaching the summit, where at an altitude which they estimated at over 18,000 feet they raised the American Flag in May, 1848. A correspondent of the New Orleans "Delta" wrote concerning this feat: "On the highest pinnacle of the frozen summit of Orizaba waves the Star-Spangled Banner! So you can tell Mr. Polk, his Cabinet, and all Congress assembled, that they may pass what laws they please, make treaties, and the Mexicans issue pronunciamentos, but still will the American Flag wave over their country; for who will go up to pull it down?"

The American ensign was first displayed in Japan on the landing of Commodore M. C. Perry at Uraga, on the bay of Jeddo, in July, 1853. In its cluster were twenty-nine stars.

In 1856, when, after the Crimean War, Sebastopol was opened to all nations, the first vessel to enter its port was the American ship "Troy," with the Stars and Stripes flying.

Raised by Dr. I. I. Hayes in 1854 at Cape Constitution, in lat. 82° 27′, the most northern land that had then been reached by man.

"On the 4th of July, 1879, Lieutenant Frederick Schwatka, U. S. Army, on his remarkable sledge expedition of 3,251 statute miles, unfurled for the first time at Cape Felix, King Williams Land, a United States Flag, which is now deposited in the Museum of the United States Military Service Institution, on Governor's Island." (Army and Navy Journal, November 6, 1880.)

One of the first United States Flags ever used at sea is still in existence. It is the Flag bearing twelve stars, which was displayed by Paul Jones from the masthead of his privateer, the "Bon Homme Richard," during the engagement with the English warship "Serapis," on September 23, 1779. In the course of the action the Flag was shot away from the masthead, whereupon Lieutenant Stafford, a volunteer in Paul Jones' ship, leaped into the sea after it, and, though severely wounded in the exploit, succeeded in recovering it and replacing it on the mast. The Flag which Lieutenant Stafford thus so bravely saved was afterwards presented to him by the Marine Committee of Congress, and is now cherished as an heirloom by his family.

MAGNA CHARTA.

[June 15, A. D. 1215.]

From "Select Charters and other Illustrations of English Constitutional History," by William M. Stubbs, M.A., Regius Professor of Modern History.

Johannes Dei gratia rex Angliae, dominus Hyberniae, dux Normanniae et Aquitanniae, comes Andegaviae, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, forestariis, vicecomitibus, praepositis, ministris et omnibus ballivis et fidelibus suis salutem. Sciatis nos intuitu Dei et pro salute animae nostrae et omnium antecessorum et haeredum nostrorum, ad honorem Dei et exaltationem sanctae ecclesiae, et emendationem regni nostri, per consilium venerabilium patrum nostrorum, Stephani Cantuariensis archiepiscopi totius Angliae primatis et sanctae Romanae ecclesiae cardinalis, Henrici Dublinensis archiepiscopi, Willelmi Londoniensis, Petri Wintoniensis, Joscelini Bathoniensis et Glastoniensis, Hugonis Lincolniensis, Walteri Wygornensis, Willelmi Coventrensis, et Benedicti Roffensis episcoporum; magistri Pandulfi domini papae subdiaconi et familiaris, fratris Eymerici magistri militiae templi in Anglia; et nobilium virorum Willelmi Mariscalli comitis Penbrok, Willelmi comitis Saresberiae, Willelmi comitis Warenniae, Willelmi comitis Arundelliae, Alani de Galweya constabularii Scottiae, Warini filii Geroldi, Petri filii Hereberti, Huberti de Burgo senescalli Pictaviae, Hugonis de Nevilla, Mathei filii Hereberti, Thomae Basset, Alani Basset, Philippi de Albiniaco, Roberti de Roppelay, Johannis Mariscalli, Johannis filii Hugonis et aliorum fidelium nostrorum;

1. In primis concessisse Deo et hac praesenti carta nostra confirmasse, pro nobis et haeredibus nostris in perpetuum, quod Anglicana ecclesia libera sit, et habeat jura sua integra, et libertates suas illaesas; et ita volumus observari; quod apparet ex eo quod libertatem electionum, quae maxima et magis necessaria reputatur ecclesiae Anglicanae, mera et spontanea voluntate, ante

MAGNA CHARTA.

The Great Charter of English Liberty, Granted by King John at Runnimede, June 15, A. D. 1215.

From "Select Historical Documents of the Middle Ages," as translated from "Stubbs's Charters" by Ernest F. Henderson, A.B. (Trinity College, Conn.), A.M. (Harvard), Ph D. (Berlin).

John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou: to the archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, prevosts, serving men, and to all his bailiffs and faithful subjects, greeting. Know that we, by the will of God and for the safety of our soul, and of the souls of all our predecessors and our heirs, to the honour of God and for the exalting of the holy church and the bettering of our realm: by the counsel of our venerable fathers Stephen archbishop of Canterbury, primate of all England and cardinal of the holy Roman church; of Henry archbishop of Dublin; of the bishops William of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugo of Lincoln, Walter of Worcester, William of Coventry and Benedict of Rochester; of master Pandulf, subdeacon and of the household of the lord pope; of brother Aymeric, master of the knights of the Temple in England; and of the noble men, William Marshall earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galway constable of Scotland, Warin son of Gerold, Peter son of Herbert, Hubert de Burgh seneschal of Poictiers, Hugo de Neville, Matthew son of Herbert, Thomas Basset, Alan Basset, Philip d'Aubigni, Robert de Roppelay, John Marshall, John son of Hugo, and others of our faithful subjects:

1. First of all have granted to God, and, for us and for our heirs forever, have confirmed, by this our present charter, that the English church shall be free and shall have its rights intact and its liberties uninfringed upon. And thus we will that it be observed. As is apparent from the fact that we, spontaneously and of our own free will, before discord broke out between our-

discordiam inter nos et barones nostros motam, concessimus et carta nostra confirmavimus, et eam optinuimus a domino papa Innocentio tertio confirmari; quam et nos observabimus et ab haeredibus nostris in perpetuum bona fide volumus observari. Concessimus etiam omnibus liberis hominibus regni nostri, pro nobis et haeredibus nostris in perpetuum, omnes libertates subscriptas, habendas et tenendas, eis et haeredibus suis, de nobis et haeredibus nostris;

2. Si quis comitum vel baronum nostrorum, sive aliorum tenentium de nobis in capite per servitium militare, mortuus fuerit, et cum decesserit haeres suus plenae aetatis fuerit et relevium debeat, habeat haereditatem suam per antiquum relevium; scilicet haeres vel haeredes comitis de baronia comitis integra per centum libras; haeres vel haeredes baronis de baronia integra per centum libras; haeres vel haeredes militis de feodo militis integro per centum solidos ad plus; et qui minus debuerit minus det secundum antiquam consuetudinem feodorum.

3. Si autem haeres alicujus talium fuerit infra aetatem et fuerit in custodia, cum ad aetatem pervenerit, habeat haereditatem suam sine relevio et sine fine.

4. Custos terrae hujusmodi haeredis qui infra aetatem fuerit, non capiat de terra haeredis nisi rationabiles exitus, et rationabiles consuetudines, et rationabilia servitia, et hoc sine destructione et vasto hominum vel rerum; et si nos commiserimus custodiam alicujus talis terrae vicecomiti vel alicui alii qui de exitibus illius nobis respondere debeat, et ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, et terra committatur duobus legalibus et discretis hominibus de feodo illo, qui de exitibus respondeant nobis vel ei cui eos assignaverimus; et si dederimus vel vendiderimus alicui custodiam alicujus talis terrae, et ille destructionem inde fecerit vel vastum, amittat ipsam custodiam, et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut praedictum est.

5. Custos autem, quamdiu custodiam terrae habuerit, sustentet domos, parcos, vivaria, stagna, molendina, et cetera ad terram illam pertinentia, de exitibus terrae ejusdem; et reddat haeredi, cum ad plenam aetatem pervenerit, terram suam totam instauratam de carrucis et wainnagiis secundum quod tempus wainnagii exiget et exitus terrae rationabiliter poterunt sustinere.

selves and our barons, did grant and by our charter confirm—and did cause the lord pope Innocent III. to confirm—freedom of elections, which is considered most important and most necessary to the church of England. Which charter both we ourselves shall observe, and we will that it be observed with good faith by our heirs forever. We have also granted to all free men of our realm, on the part of ourselves and our heirs forever, all the subjoined liberties, to have and to hold, to them and to their heirs, from us and from our heirs:

2. If any one of our earls or barons, or of others holding from us in chief through military service, shall die; and if, at the time of his death, his heir be of full age and owe a relief: he shall have his inheritance by paying the old relief;—the heir, namely, or the heirs of an earl, by paying one hundred pounds for the whole barony of an earl; the heir or heirs of a baron, by paying one hundred pounds for the whole barony; the heir or heirs of a knight, by paying one hundred shillings at most for a whole knight's fee; and he who shall owe less shall give less, according to the ancient custom of fees.

3. But if the heir of any of the above persons shall be under age and in wardship,—when he comes of age he shall have his inheritance without relief and without fine.

4. The administrator of the land of such heir who shall be under age shall take none but reasonable issues from the land of the heir, and reasonable customs and services; and this without destruction and waste of men or goods. And if we shall have committed the custody of any such land to the sheriff or to any other man who ought to be responsible to us for the issues of it, and he cause destruction or waste to what is in his charge: we will fine him, and the land shall be handed over to two lawful and discreet men of that fee who shall answer to us, or to him to whom we shall have referred them, regarding those issues. And if we shall have given or sold to any one the custody of any such land, and he shall have caused destruction or waste to it,—he shall lose that custody, and it shall be given to two lawful and discreet men of that fee, who likewise shall answer to us, as has been explained.

5. The administrator, moreover, so long as he may have the custody of the land, shall keep in order, from the issues of that land, the houses, parks, warrens, lakes, mills, and other things pertaining to it. And he shall restore to the heir when he comes to full age, his whole land stocked with ploughs and wainnages, according as the time of the wainnage requires and the issues of the land will reasonably permit.

6. Haeredes maritentur absque disparagatione, ita tamen quod, antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius haeredis.

7. Vidua post mortem mariti sui statim et sine difficultate habeat maritagium et haereditatem suam, nec aliquid det pro dote sua, vel pro maritagio suo, vel haereditate sua quam haereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti, et maneat in domo mariti sui per quadraginta dies post mortem ipsius infra quos assignetur ei dos sua.

8. Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito, ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit, si de alio tenuerit.

9. Nec nos nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum; nec pleggii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficit ad solutionem debiti; et si capitalis debitor defecerit in solutione debiti, non habens unde solvat, pleggii respondeant de debito; et, si voluerint, habeant terras et redditus debitoris donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eosdem pleggios.

10. Si quis mutuo ceperit aliquid a Judaeis, plus vel minus, et moriatur antequam debitum illum solvatur, debitum non usuret quamdiu haeres fuerit infra aetatem, de quocumque teneat; et si debitum illud inciderit in manus nostras, nos non capiemus nisi catallum contentum in carta.

11. Et si quis moriatur, et debitum debeat Judaeis, uxor ejus habeat dotem suam, et nihil reddat de debito illo; et si liberi ipsius defuncti qui fuerint infra aetatem remanserint, provideantur eis necessaria secundum tenementum quod fuerit defuncti, et de residuo solvatur debitum, salvo servitio dominorum; simili modo fiat de debitis quae debentur aliis quam Judaeis.

12. Nullum scutagium vel auxilium ponatur in regno nostro, nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum, et primogenitum filium nostrum militem faciendum, et ad filiam nostram primogenitam semel maritandam, et ad haec non fiat nisi rationabile auxilium: simili modo fiat de auxiliis de civitate Londoniarum.

6. Heirs may marry without disparagement; so, nevertheless, that, before the marriage is contracted, it shall be announced to the relations by blood of the heir himself.

7. A widow, after the death of her husband, shall straightway, and without difficulty, have her marriage portion and her inheritance, nor shall she give any thing in return for her dowry, her marriage portion, or the inheritance which belonged to her, and which she and her husband held on the day of the death of that husband. And she may remain in the house of her husband, after his death, for forty days; within which her dowry shall be paid over to her.

8. No widow shall be forced to marry when she prefers to live without a husband; so, however, that she gives security not to marry without our consent, if she hold from us, or the consent of the lord from whom she holds, if she hold from another.

9. Neither we nor our bailiffs shall seize any revenue for any debt, so long as the chattels of the debtor suffice to pay the debt; nor shall the sponsors of that debtor be distrained so long as that chief debtor has enough to pay the debt. But if the chief debtor fail in paying the debt, not having the wherewithal to pay it, the sponsors shall answer for the debt. And, if they shall wish, they may have the lands and revenues of the debtor until satisfaction shall have been given them for the debt previously paid for him; unless the chief debtor shall show that he is quit in that respect towards those same sponsors.

10. If any one shall have taken any sum, great or small, as a loan from the Jews, and shall die before that debt is paid,—that debt shall not bear interest so long as the heir, from whomever he may hold, shall be under age. And if the debt fall into our hands, we shall take nothing save the chattel contained in the deed.

11. And if any one dies owing a debt to the Jews, his wife shall have her dowry, and shall restore nothing of that debt. But if there shall remain children of that dead man, and they shall be under age, the necessaries shall be provided for them according to the nature of the dead man's holding; and, from the residue, the debt shall be paid, saving the service due to the lords. In like manner shall be done concerning debts that are due to others besides Jews.

12. No scutage or aid shall be imposed in our realm unless by the common council of our realm; except for redeeming our body, and knighting our eldest son, and marrying once our eldest daughter. And for these purposes there shall only be given a

13. Et civitas Londoniarum habeat omnes antiquas libertates et liberas consuetudines suas, tam per terras, quam per aquas. Praeterea volumus et concedimus quod omnes aliae civitates, et burgi, et villae, et portus, habeant omnes libertates et liberas consuetudines suas.

14. Et ad habendum commune consilium regni, de auxilio assidendo aliter quam in tribus casibus praedictis, vel de scutagio assidendo, summoneri faciemus archiepiscopos, episcopos, abbates, comites, et majores barones, sigillatim per litteras nostras; et praeterea faciemus summoneri in generali, per vicecomites et ballivos nostros, omnes illos qui de nobis tenent in capite; ad certum diem, scilicet ad terminum quadraginta dierum ad minus, et ad certum locum; et in omnibus litteris illius summonitionis causam summonitionis exprimemus; et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui praesentes fuerint, quamvis non omnes summoniti venerint.

15. Nos non concedemus de cetero alicui quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum, et ad faciendum primogenitum filium suum militem, et ad primogenitam filiam suam semel maritandam, et ad haec non fiat nisi rationabile auxilium.

16. Nullus distringatur ad faciendum majus servitium de feodo militis, nec de alio libero tenemento, quam inde debetur.

17. Communia placita non sequantur curiam nostram sed teneantur in aliquo loco certo.

18. Recognitiones de nova dissaisina, de morte antecessoris, et de ultima praesentatione, non capiantur nisi in suis comitatibus et hoc modo; nos, vel si extra regnum fuerimus, capitalis justiciarius noster, mittemus duos justiciarios per unumquemque comitatum per quatuor vices in anno, qui, cum quatuor militibus cujuslibet comitatus electis per comitatum, capiant in comitatu et in die et loco comitatus assisas praedictas.

19. Et si in die comitatus assisae praedictae capi non possint, tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo, per quos possint judicia sufficienter fieri, secundum quod negotium fuerit majus vel minus.

20. Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti; et pro magno delicto amercietur secundum magnitudinem delicti, salvo contenemento suo; et mercator eodem

reasonable aid. In like manner shall be done concerning the aids of the city of London.

13. And the city of London shall have all its old liberties and free customs as well by land as by water. Moreover we will and grant that all other cities and burroughs, and towns and ports, shall have all their liberties and free customs.

14. And, in order to have the common council of the realm in the matter of assessing an aid otherwise than in the aforesaid cases, or of assessing a scutage,—we shall cause, under seal through our letters, the archbishops, bishops, abbots, earls, and greater barons to be summoned for a fixed day—for a term, namely, at least forty days distant,—and for a fixed place. And, moreover, we shall cause to be summoned in general, through our sheriffs and bailiffs, all those who hold of us in chief. And in all those letters of summons we shall express the cause of the summons. And when a summons has thus been made, the business shall be proceeded with on the day appointed according to the counsel of those who shall be present, even though not all shall come who were summoned.

15. We will not allow any one henceforth to take an aid from his freemen save for the redemption of his body, and the knighting of his eldest son, and the marrying, once, of his eldest daughter; and, for these purposes, there shall only be given a reasonable aid.

16. No one shall be forced to do more service for a knight's fee, or for another free holding, than is due from it.

17. Common pleas shall not follow our court but shall be held in a certain fixed place.

18. Assizes of novel disseisin, of mort d'ancestor, and of darrein presentment shall not be held save in their own counties, and in this way: we, or our chief justice, if we shall be absent from the kingdom, shall send two justices through each county four times a year; they, with four knights from each county, chosen by the county, shall hold the aforesaid assizes in the county, and on the day and at the place of the county court.

19. And, if on the day of the county court the aforesaid assizes can not be held, a sufficient number of knights and free tenants, from those who were present at the county court on that day, shall remain, so that through them the judgments may be suitably given, according as the matter may have been great or small.

20. A freeman shall only be amerced for a small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the offence, saving

modo salva mercandisa sua; et villanus eodem modo amercietur salvo wainnagio suo, si inciderint in misericordiam nostram; et nulla praedictarum misericordiarum ponatur, nisi per sacramentum proborum hominum de visneto.

21. Comites et barones non amercientur nisi per pares suos, et non nisi secundum modum delicti.

22. Nullus clericus amercietur de laico tenemento suo, nisi secundum modum aliorum praedictorum, et non secundum quantitatem beneficii sui ecclesiastici.

23. Nec villa nec homo distringatur facere pontes ad riparias, nisi qui ab antiquo et de jure facere debent.

24. Nullus vicecomes, constabularius, coronatores, vel alii ballivi nostri, teneant placita coronae nostrae.

25. Omnes comitatus, hundredi, wapentakii, et trethingii, sint ad antiquas firmas absque ullo incremento, exceptis dominicis maneriis nostris.

26. Si aliquis tenens de nobis laicum feodum moriatur, et vicecomes vel ballivus noster ostendat litteras nostras patentes de summonitione nostra de debito quod defunctus nobis debuit, liceat vicecomiti vel ballivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo, ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nihil inde amoveatur, donec persolvatur nobis debitum quod clarum fuerit; et residuum relinquatur executoribus ad faciendum testamentum defuncti; et, si nihil nobis debeatur ab ipso, omnia catalla cedant defuncto, salvis uxori ipsius et pueris rationabilibus partibus suis.

27. Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum parentum et amicorum suorum, per visum ecclesiae distribuantur, salvis unicuique debitis quae defunctus ei debebat.

28. Nullus constabularius, vel alius ballivus noster, capiat blada vel alia catalla alicujus, nisi statim inde reddat denarios, aut respectum inde habere possit de voluntate venditoris.

29. Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri, si facere voluerit custodiam illam in propria persona sua, vel per alium probum hominem, si ipse eam facere non possit propter rationabilem causam; et si nos duxerimus vel miserimus eum in exercitum, erit quietus de cus-

his contenement; and a merchant, in the same way, saving his merchandize. And a villein, in the same way, if he fall under our mercy, shall be amerced saving his wainnage. And none of the aforesaid fines shall be imposed save upon oath of upright men from the neighbourhood.

21. Earls and barons shall not be amerced save through their peers, and only according to the measure of the offence.

22. No clerk shall be amerced for his lay tenement except according to the manner of the other persons aforesaid; and not according to the amount of his ecclesiastical benefice.

23. Neither a town nor a man shall be forced to make bridges over the rivers, with the exception of those who, from of old and of right ought to do it.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold the pleas of our crown.

25. All counties, hundreds, wapentakes, and trithings—our demesne manors being excepted—shall continue according to the old farms, without any increase at all.

26. If any one holding from us a lay fee shall die, and our sheriff or bailiff can show our letters patent containing our summons for the debt which the dead man owed to us,—our sheriff or bailiff may be allowed to attach and enroll the chattels of the dead man to the value of that debt, through view of lawful men; in such way, however, that nothing shall be removed thence until the debt is paid which was plainly owed to us. And the residue shall be left to the executors that they may carry out the will of the dead man. And if nothing is owed to us by him, all the chattels shall go to the use prescribed by the deceased, saving their reasonable portions to his wife and children.

27. If any freeman shall have died intestate his chattels shall be distributed through the hands of his near relatives and friends, by view of the church; saving to any one the debts which the dead man owed him.

28. No constable or other bailiff of ours shall take the corn or other chattels of any one except he straightway give money for them, or can be allowed a respite in that regard by the will of the seller.

29. No constable shall force any knight to pay money for castle-ward if he be willing to perform that ward in person, or—he for a reasonable cause not being able to perform it himself—through another proper man. And if we shall have led or sent him on a military expedition, he shall be quit of ward according to the

todia, secundum quantitatem temporis quo per nos fuerit in exercitu.

30. Nullus vicecomes, vel ballivus noster, vel aliquis alius, capiat equos vel caretas alicujus liberi hominis pro cariagio faciendo, nisi de voluntate ipsius liberi hominis.

31. Nec nos nec ballivi nostri capiemus alienum boscum ad castra, vel alia agenda nostra, nisi per voluntatem ipsius cujus boscus ille fuerit.

32. Nos non tenebimus terras illorum qui convicti fuerint de felonia, nisi per unum annum et unum diem, et tunc reddantur terrae dominis feodorum.

33. Omnes kydelli de cetero deponantur penitus de Thamisia, et de Medewaye, et per totam Angliam, nisi per costeram maris.

34. Breve quod vocatur *Praecipe* de cetero non fiat alicui de aliquo tenemento unde liber homo amittere possit curiam suam.

35. Una mensura vini sit per totum regnum nostrum, et una mensura cervisiae, et una mensura bladi, scilicet quarterium Londoniense, et una latitudo pannorum tinctorum et russettorum et halbergettorum, scilicet duae ulnae infra listas; de ponderibus autem sit ut de mensuris.

36. Nihil detur vel capiatur de cetero pro brevi inquisitionis de vita vel membris, sed gratis concedatur et non negetur.

37. Si aliquis teneat de nobis per feodifirmam, vel per sokagium, vel per burgagium, et de alio terram teneat per servitium militare, nos non habebimus custodiam haeredis nec terrae suae quae est de feodo alterius, occasione illius feodifirmae, vel sokagii, vel burgagii; nec habebimus custodiam illius feodifirmae, vel sokagii, vel burgagii, nisi ipsa feodifirma debeat servitium militare. Nos non habebimus custodiam haeredis vel terrae alicujus, quam tenet de alio per servitium militare, occasione alicujus parvae sergenteriae quam tenet de nobis per servitium reddendi nobis cultellos, vel sagittas, vel hujusmodi.

38. Nullus ballivus ponat de cetero aliquem ad legem simplici loquela sua, sine testibus fidelibus ad hoc inductis.

39. Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum vel per legem terrae.

amount of time during which, through us, he shall have been in military service.

30. No sheriff nor bailiff of ours, nor any one else, shall take the horses or carts of any freeman for transport, unless by the will of that freeman.

31. Neither we nor our bailiffs shall take another's wood for castles or for other private uses, unless by the will of him to whom the wood belongs.

32. We shall not hold the lands of those convicted of felony longer than a year and a day; and then the lands shall be restored to the lords of the fiefs.

33. Henceforth all the weirs in the Thames and Medway, and throughout all England, save on the sea-coast, shall be done away with entirely.

34. Henceforth the writ which is called *Praecipe* shall not be served on any one for any holding so as to cause a free man to lose his court.

35. There shall be one measure of wine throughout our whole realm, and one measure of ale and one measure of corn—namely, the London quart;—and one width of dyed and russet and hauberk cloths—namely, two ells below the selvage. And with weights, moreover, it shall be as with measures.

36. Henceforth nothing shall be given or taken for a writ of inquest in a matter concerning life or limb; but it shall be conceded gratis, and shall not be denied.

37. If any one hold of us in fee-farm, or in socage, or in burkage, and hold land of another by military service, we shall not, by reason of that fee-farm, or socage, or burkage, have the wardship of his heir or of his land which is held in fee from another. Nor shall we have the wardship of that fee-farm, or socage, or burkage unless that fee-farm owe military service. We shall not, by reason of some petit-serjeanty which some one holds of us through the service of giving us knives or arrows or the like, have the wardship of his heir or of the land which he holds of another by military service.

38. No bailiff, on his own simple assertion, shall henceforth put any one to his law, without producing faithful witnesses in evidence.

39. No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed—nor will we go upon or send upon him—save by the lawful judgment of his peers or by the law of the land.

40. Nulli vendemus. nulli negabimus, aut differemus, rectum aut justiciam.

41. Omnes mercatores habeant salvum et securum exire de Anglia, et venire in Angliam, et morari et ire per Angliam, tam per terram quam per aquam, ad emendum et vendendum, sine omnibus malis toltis, per antiquas et rectas consuetudines, praeterquam in tempore gwerrae, et si sint de terra contra nos gwerrina; et si tales inveniantur in terra nostra in principio gwerrae, attachientur sine dampno corporum et rerum, donec sciatur a nobis vel capitali justiciario nostro quomodo mercatores terrae nostrae tractentur, qui tunc invenientur in terra contra nos gwerrina; et si nostri salvi sint ibi, alii salvi sint in terra nostra.

42. Liceat unicuique de cetero exire de regno nostro, et redire, salvo et secure, per terram et per aquam, salva fide nostra, nisi tempore gwerrae per aliquod breve tempus, propter communem utilitatem regni, exceptis imprisonatis et utlagatis secundum legem regni, et gente de terra contra nos gwerrina, et mercatoribus de quibus fiat sicut praedictum est.

43. Si quis tenuerit de aliqua escaeta, sicut de honore Walingeford, Notingeham, Bononiae, Lainkastriae, vel de aliis eskaetis, quae sunt in manu nostra, et sunt baroniae, et obierit, haeres ejus non det aliud relevium, nec faciat nobis aliud servitium quam faceret baroni si baronia illa esset in manu baronis; et nos eodem modo eam tenebimus quo baro eam tenuit.

44. Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones, nisi sint in placito, vel pleggii alicujus vel aliquorum, qui attachiati sint pro foresta.

45. Nos non faciemus justiciarios, constabularios, vicecomites, vel ballivos, nisi de talibus qui sciant legem regni et eam bene velint observare.

46. Omnes barones qui fundaverunt abbatias, unde habent cartas regum Angliae, vel antiquam tenuram, habeant earum custodiam cum vacaverint, sicut habere debent.

47. Omnes forestae quae aforestatae sunt tempore nostro, statim deafforestentur; et ita fiat de ripariis quae per nos tempore nostro positae sunt in defenso.

48. Omnes malae consuetudines de forestis et warennis, et de forestariis et warennariis, vicecomitibus et eorum ministris, ripariis et earum custodibus, statim inquirantur in quolibet

40. To none will we sell, to none deny or delay, right or justice.

41. All merchants may safely and securely go out of England, and come into England, and delay and pass through England, as well by land as by water, for the purpose of buying and selling, free from all evil taxes, subject to the ancient and right customs—save in time of war, and if they are of the land at war against us. And if such be found in our land at the beginning of the war, they shall be held, without harm to their bodies and goods, until it shall be known to us or our chief justice how the merchants of our land are to be treated who shall, at that time, be found in the land at war against us. And if ours shall be safe there, the others shall be safe in our land.

42. Henceforth any person, saving fealty to us, may go out of our realm and return to it, safely and securely, by land and by water, except perhaps for a brief period in time of war, for the common good of the realm. But prisoners and outlaws are excepted according to the law of the realm; also people of a land at war against us, and the merchants, with regard to whom shall be done as we have said.

43. If any one hold from any escheat—as from the honour of Wallingford, Nottingham, Boloin, Lancaster, or the other escheats which are in our hands and are baronies—and shall die, his heir shall not give another relief, nor shall he perform for us other service than he would perform for a baron if that barony were in the hand of a baron; and we shall hold it in the same way in which the baron has held it.

44. Persons dwelling without the forest shall not henceforth come before the forest justices, through common summonses, unless they are impleaded or are the sponsors of some person or persons attached for matters concerning the forest.

45. We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly.

46. All barons who have founded abbeys for which they have charters of the kings of England, or ancient right of tenure, shall have, as they ought to have, their custody when vacant.

47. All forests constituted as such in our time shall straightway be annulled; and the same shall be done for river banks made into places of defence by us in our time.

48. All evil customs concerning forests and warrens, and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians, shall straightway be inquired into in

comitatu per duodecim milites juratos de eodem comitatu, qui debent eligi per probos homines ejusdem comitatus, et infra quadraginta dies post inquisitionem factam, penitus, ita quod numquam revocentur, deleantur per eosdem, ita quod nos hoc sciamus prius, vel justiciarius noster, si in Anglia non fuerimus.

49. Omnes obsides et cartas statim reddemus quae liberatae fuerunt nobis ab Anglicis in securitatem pacis vel fidelis servitii.

50. Nos amovebimus penitus de balliis parentes Gerardi de Athyes, quod de cetero nullam habeant balliam in Anglia; Engelardum de Cygoniis, Andream, Petrum et Gyonem de Cancellis, Gyonem de Cygoniis, Galfridum de Martyni et fratres ejus, Philippum Mark et fratres ejus, et Galfridum nepotem ejus, et totam sequelam eorumdem.

51. Et statim post pacis reformationem amovebimus de regno omnes alienigenas milites, balistarios, servientes, stipendiarios, qui venerint cum equis et armis ad nocumentum regni.

52. Si quis fuerit disseisitus vel elongatus per nos sine legali judicio parium suorum, de terris, castallis, libertatibus, vel jure suo, statim ea ei restituemus; et si contentio super hoc orta fuerit, tunc inde fiat per judicium viginti quinque baronum, de quibus fit mentio inferius in securitate pacis: de omnibus autem illis de quibus aliquis disseisitus fuerit vel elongatus sine legali judicio parium suorum, per Henricum regem patrem nostrum vel per Ricardum regem fratrem nostrum, quae in manu nostra habemus, vel quae alii tenent, quae nos oporteat warantizare, respectum habebimus usque ad communem terminum crucesignatorum; exceptis illis de quibus placitum motum fuit vel inquisitio facta per praeceptum nostrum, ante susceptionem crucis nostrae: cum autem redierimus de peregrinatione nostra, vel si forte remanserimus a peregrinatione nostra, statim inde plenam justiciam exhibebimus.

53. Eundem autem respectum habebimus, et eodem modo, de justicia exhibenda de forestis deafforestandis vel remansuris forestis, quas Henricus pater noster vel Ricardus frater noster afforestaverunt, et de custodiis terrarum quae sunt de alieno feodo, cujusmodi custodias hucusque habuimus occasione feodi quod aliquis de nobis tenuit per servitium militare, et de abbatiis quae fundatae fuerint in feodo alterius quam nostro, in quibus dominus feodi dixerit se jus habere; et cum redierimus, vel si remanseri-

each county, through twelve sworn knights from that county, and shall be eradicated by them, entirely, so that they shall never be renewed, within forty days after the inquest has been made; in such manner that we shall first know about them, or our justice if we be not in England.

49. We shall straightway return all hostages and charters which were delivered to us by Englishmen as a surety for peace or faithful service.

50. We shall entirely remove from their bailiwicks the relatives of Gerard de Athyes, so that they shall henceforth have no bailiwick in England: Engelard de Cygnes, Andrew Peter and Gyon de Chanceles, Gyon de Cygnes, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew, and the whole following of them.

51. And straightway after peace is restored we shall remove from the realm all the foreign soldiers, crossbowmen, servants, hirelings, who may have come with horses and arms to the harm of the realm.

52. If any one shall have been disseized by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: we shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

53. We shall have the same respite, moreover, and in the same manner, in the matter of showing justice with regard to forests to be annulled and forests to remain, which Henry our father or Richard our brother constituted; and in the matter of wardships of lands which belong to the fee of another—wardships of which kind we have hitherto enjoyed by reason of the fee which some one held from us in military service;—and in the matter of abbeys founded in the fee of another than ourselves—in which the lord of the fee may say that he has jurisdiction. And when we return, or

mus a peregrinatione nostra, super hiis conquerentibus plenam justiciam statim exhibebimus.

54. Nullus capiatur nec imprisonetur propter appellum foeminae de morte alterius quam viri sui.

55. Omnes fines qui injuste et contra legem terrae facti sunt nobiscum, et omnia amerciamenta facta injuste et contra legem terrae, omnino condonentur, vel fiat inde per judicium viginti quinque baronum de quibus fit mentio inferius in securitate pacis, vel per judicium majoris partis eorumdem, una cum praedicto Stephano Cantuariensi archiepiscopo, si interesse poterit, et aliis quos secum ad hoc vocare voluerit: et si interesse non poterit, nihilominus procedat negotium sine eo, ita quod, si aliquis vel aliqui de praedictis viginti quinque baronibus fuerint in simili querela, amoveantur quantum ad hoc judicium, et alii loco illorum per residuos de eisdem viginti quinque, tantum ad hoc faciendum electi et jurati substituantur.

56. Si nos dissaisivimus vel elongavimus Walenses de terris vel libertatibus vel rebus aliis, sine legali judicio parium suorum, in Anglia vel in Wallia, eis statim reddantur; et si contentio super hoc orta fuerit, tunc inde fiat in marchia per judicium parium suorum, de tenementis Angliae secundum legem Angliae, de tenementis Walliae secundum legem Walliae, de tenementis marchiae secundum legem marchiae. Idem facient Walenses nobis et nostris.

57. De omnibus autem illis de quibus aliquis Walensium dissaisitus fuerit vel elongatus sine legali judicio parium suorum, per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum, quae nos in manu nostra habemus, vel quae alii tenent quae nos oporteat warantizare, respectum habebimus usque ad communem terminum crucesignatorum, illis exceptis de quibus placitum motum fuit vel inquisitio facta per praeceptum nostrum ante susceptionem crucis nostrae: cum autem redierimus, vel si forte remanserimus a peregrinatione nostra, statim eis inde plenam justiciam exhibebimus, secundum leges Walensium et partes praedictas.

58. Nos reddemus filium Lewelini statim, et omnes obsides de Wallia, et cartas quae nobis liberatae fuerunt in securitatem pacis.

59. Nos faciemus Allexandro regi Scottorum de sororibus suis, et obsidibus reddendis, et libertatibus suis, et jure suo, secundum

if we desist from our pilgrimage, we shall straightway exhibit full justice to those complaining with regard to these matters.

54. No one shall be taken or imprisoned on account of the appeal of a woman concerning the death of another than her husband.

55. All fines imposed by us unjustly and contrary to the law of the land, and all amerciaments made unjustly and contrary to the law of the land, shall be altogether remitted, or it shall be done with regard to them according to the judgment of the twenty-five barons mentioned below as sureties for the peace, or according to the judgment of the majority of them together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and with others whom he may wish to associate with himself for this purpose. And if he can not be present, the affair shall nevertheless proceed without him; in such way that, if one or more of the said twenty-five barons shall be concerned in a similar complaint, they shall be removed as to this particular decision, and, in their place, for this purpose alone, others shall be substituted who shall be chosen and sworn by the remainder of those twenty-five.

56. If we have disseized or dispossessed Welshmen of their lands or liberties or other things without legal judgment of their peers, in England or in Wales,—they shall straightway be restored to them. And if a dispute shall arise concerning this, then action shall be taken upon it in the March through judgment of their peers—concerning English holdings according to the law of England, concerning Welsh holdings according to the law of Wales, concerning holdings in the March according to the law of the March. The Welsh shall do likewise with regard to us and our subjects.

57. But with regard to all those things of which any one of the Welsh was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: we shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them, according to the laws of Wales and the aforesaid districts.

58. We shall straightway return the son of Llewelin and all the

formam in qua faciemus aliis baronibus nostris Angliae, nisi aliter esse debeat per cartas quas habemus de Willelmo patre ipsius, quondam rege Scottorum; et hoc erit per judicium parium suorum in curia nostra.

60. Omnes autem istas consuetudines praedictas et libertates quas nos concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros, omnes de regno nostro, tam clerici quam laici, observent quantum ad se pertinet erga suos.

61. Cum autem pro Deo, et ad emendatiònem regni nostri, et ad melius sopiendum discordiam inter nos et barones nostros ortam, haec omnia praedicta concesserimus, volentes ea integra et firma stabilitate gaudere in perpetuum, facimus et concedimus eis securitatem subscriptam; videlicet quod barones eligant viginti quinque barones de regno quos voluerint, qui debeant pro totis viribus suis observare, tenere, et facere observari, pacem et libertates quas eis concessimus, et hac praesenti carta nostra confirmavimus, ita scilicet quod, si nos, vel justiciarius noster, vel ballivi nostri, vel aliquis de ministris nostris, in aliquo erga aliquem deliquerimus, vel aliquem articulorum pacis aut securitatis transgressi fuerimus, et delictum ostensum fuerit quatuor baronibus de praedictis viginti quinque baronibus, illi quatuor barones accedant ad nos vel ad justiciarium nostrum, si fuerimus extra regnum, proponentes nobis excessum: petent ut excessum illum sine dilatione faciamus emendari. Et si nos excessum non emendaverimus, vel, si fuerimus extra regnum, justiciarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel justiciario nostro si extra regnum fuerimus, praedicti quatuor barones referant causam illam ad residuos de viginti quinque baronibus, et illi viginti quinque barones cum communa totius terrae distringent et gravabunt nos modis omnibus quibus poterunt, scilicet per captionem castrorum, terrarum, possessionum, et aliis modis quibus poterunt, donec fuerit emendatum secundum arbitrium eorum, salva persona nostra et reginae nostrae et liberorum nostrorum; et cum fuerit emendatum intendent nobis sicut prius fecerunt. Et quicumque voluerit de terra juret quod ad praedicta omnia exsequenda parebit mandatis praedictorum viginti quinque baronum, et quod gravabit nos pro posse suo cum ipsis, et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit, et nulli umquam jurare prohibebimus. Omnes autem illos de terra qui per se et sponte

Welsh hostages, and the charters delivered to us as surety for the peace.

59. We shall act towards Alexander king of the Scots regarding the restoration of his sisters, and his hostages, and his liberties and his lawful right, as we shall act towards our other barons of England; unless it ought to be otherwise according to the charters which we hold from William, his father, the former king of the Scots. And this shall be done through judgment of his peers in our court.

60. Moreover all the subjects of our realm, clergy as well as laity, shall, as far as pertains to them, observe, with regard to their vassals, all these aforesaid customs and liberties which we have decreed shall, as far as pertains to us, be observed in our realm with regard to our own.

61. Inasmuch as, for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions,—wishing them to enjoy for ever entire and firm stability, we make and grant to them the following security: that the barons, namely, may elect at their pleasure twenty-five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have granted to them and confirmed by this, our present charter. In such wise, namely, that if we, or our justice, or our bailiffs, or any one of our servants shall have transgressed against any one in any respect, or shall have broken some one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty-five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay. And if we do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and those twenty-five barons, with the whole land in common, shall distrain and oppress us in every way in their power,—namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen and our children. And when amends shall have been made they shall be in accord with us as they had been previously. And whoever of

sua noluerint jurare viginti quinque baronibus, de distringendo et gravando nos cum eis, faciemus jurare eosdem de mandato nostro, sicut praedictum est. Et si aliquis de viginti quinque baronibus decesserit, vel a terra recesserit, vel aliquo alio modo impeditus fuerit, quo minus ista praedicta possent exsequi, qui residui fuerint de praedictis viginti quinque baronibus eligant alium loco ipsius, pro arbitrio suo, qui simili modo erit juratus quo et ceteri. In omnibus autem quae istis viginti quinque baronibus committuntur exsequenda, si forte ipsi viginti quinque praesentes fuerint, et inter se super re aliqua discordaverint, vel aliqui ex eis summoniti nolint vel nequeant interesse, ratum habeatur et firmum quod major pars eorum qui praesentes fuerint providerit, vel praeceperit, ac si omnes viginti quinque in hoc consensissent; et praedicti viginti quinque jurent quod omnia antedicta fideliter observabunt, et pro toto posse suo facient observari. Et nos nihil impetrabimus ab aliquo, per nos nec per alium, per quod aliqua istarum concessionum et libertatum revocetur vel minuatur; et, si aliquid tale impetratum fuerit, irritum sit et inane et numquam eo utemur per nos nec per alium.

62. Et omnes malas voluntates, indignationes, et rancores, ortos inter nos et homines nostros, clericos et laicos, a tempore discordiae, plene omnibus remisimus et condonavimus. Praeterea omnes transgressiones factas occasione ejusdem discordiae, a Pascha anno regni nostri sextodecimo usque ad pacem reformatam, plene remisimus omnibus, clericis et laicis, et quantum ad nos pertinet plene condonavimus. Et insuper fecimus eis fieri litteras testimoniales patentes domini Stephani Cantuariensis archiepiscopi, domini Henrici Dublinensis archiepiscopi, et episcoporum praedictorum, et magistri Pandulfi, super securitate ista et concessionibus praefatis.

63. Quare volumus et firmiter praecipimus quod Anglicana ecclesia libera sit et quod homines in regno nostro habeant et teneant omnes praefatas libertates, jura, et concessiones, bene et in pace, libere et quiete, plene et integre, sibi et haeredibus suis, de nobis et haeredibus nostris, in omnibus rebus et locis, in perpetuum, sicut praedictum est. Juratum est autem tam ex parte nostra quam ex parte baronum, quod haec omnia supradicta bona fide et sine malo ingenio observabuntur. Testibus supradictis et

the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty-five barons, and that, with them, he will oppress us to the extent of his power. And, to any one who wishes to do so, we publicly and freely give permission to swear; and we will never prevent any one from swearing. Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty-five barons as to distraining and oppressing us with them: such ones we shall make to swear by our mandate, as has been said. And if any one of the twenty-five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,—the remainder of the aforesaid twenty-five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others. Moreover, in all things entrusted to those twenty-five barons to be carried out, if those twenty-five shall be present and chance to disagree among themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty-five had consented to it. And the aforesaid twenty-five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid, and we shall never make use of it either through ourselves or through another.

62. And we have fully remitted to all, and pardoned, all the ill-will, anger and rancour which have arisen between us and our subjects, clergy and laity, from the time of the struggle. Moreover we have fully remitted to all, clergy and laity, and—as far as pertains to us—have pardoned fully all the transgressions committed, on the occasion of that same struggle, from Easter of the sixteenth year of our reign until the re-establishment of peace. In witness of which, moreover, we have caused to be drawn up for them letters patent of lord Stephen, archbishop of Canterbury, lord Henry, archbishop of Dublin, and the aforesaid bishops and master Pandulf, regarding that surety and the aforesaid concessions.

multis aliis. Data per manum nostram in prato quod vocatur Runingmede, inter Windelesorum et Stanes, quinto decimo die Junii, anno regni nostri septimo decimo.

MATT. PARIS, p. 262. Hi autem sunt XXV. barones electi.

Comes de Clare.
Comes Albemarlae.
Comes Gloverniae.
Comes Wintoniensis.
Comes Herefordensis.
Comes Rogerus (Bigot).
Comes Robertus (de Vere).
Willelmus Marescallus, Junior.
Robertus Filius Walteri, Senior.
Gilbertus de Clare.
Eustachius de Vesci.
Hugo Bigod.
Willelmus de Munbrai.
Major de Lundoniis.
Willelmus de Lanvalay.
Robertus de Ros.
Constabularius Cestriae.
Ricardus de Perci.
Johannes Filius Roberti.
Willelmus Malet.
Gaufridus de Say.
Rogerus de Mumbezon.
Willelmus de Huntingfeld.
Ricardus de Muntfichet.
Willelmus de Albineio.

63. Wherefore we will and firmly decree that the English church shall be free, and that the subjects of our realm shall have and hold all the aforesaid liberties, rights and concessions, duly and in peace, freely and quietly, fully and entirely, for themselves and their heirs, from us and our heirs, in all matters and in all places, forever, as has been said. Moreover it has been sworn, on our part as well as on the part of the barons, that all these above mentioned provisions shall be observed with good faith and without evil intent. The witnesses being the above mentioned and many others. Given through our hand, in the plain called Runnimede, between Windsor and Stanes, on the fifteenth day of June, in the seventeenth year of our reign.

*Earl of Clare.
Earl of Albemarle.
Earl of Gloucester.
Earl of Winchester.
Earl of Hereford.
Earl Roger.
Earl Robert.
William Marshall the younger.
Robert Fitz-Walter the elder.
Gilbert de Clare.
Eustace de Vescy.
Hugh Bigod.
William Mersbray.
Mayor of London.
Gilbert de Laval.
Robert de Roos.
Constable of Chester.
Richard Percy.
John Fitz-Robert.
William Malet.
Geoffrey de Say.
Roger de Mowbray.
William of Huntingfield.
Richard de Montfichet.
William de Albeney.

*The translation of the names of the signers of the Magna Charta is taken from "Roger of Wendover's Flowers of History," Vol. II, page 323.

DECLARATION OF RIGHTS.

In Congress, at New York, October 19, 1765.

The Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America:

The members of this Congress, sincerely devoted, with the warmest sentiments of affection and duty, to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament:

1. That His Majesty's subjects in these colonies owe the same allegiance to the crown of Great Britain that is owing from his subjects born within the realm; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural-born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the Crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to His Majesty the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations, in America, etc.," by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

DECLARATION OF RIGHTS.

In Congress, at Philadelphia, October 14, 1774.

WHEREAS, Since the close of the last war, the British Parliament, claiming a power of right to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these Colonies, established a board of commissioners with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

AND WHEREAS, In consequence of other statutes, Judges, who before held only estates at will in their offices, have been made dependent on the Crown alone for their salaries, and standing armies kept in times of peace.

AND WHEREAS, It has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the Colonies, and by a late statute, such trials have been directed in cases therein mentioned.

AND WHEREAS, In the last session of Parliament three statutes were made: one entitled "An Act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America"; another, entitled "An Act for the better regulating the government of the province of Massachusetts Bay, in New England"; and another, entitled "An Act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England"; and another statute

was then made, "for making more effectual provision for the government of the province of Quebec, etc." All which statutes are impolitic, unjust and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

AND WHEREAS, Assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the Crown for redress, have been repeatedly treated with contempt by his Majesty's Ministers of State:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, justly alarmed at these arbitrary proceedings of Parliament and Administration, have severally elected, constituted, and appointed deputies to meet, and sit in General Congress, in the City of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted. Whereupon, the deputies so appointed being now assembled, in a full and free representation of these Colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for effecting and vindicating their rights and liberties, DECLARE:

That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several Charters or Compacts, have the following RIGHTS:

Resolved, 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

Resolved, 2. That our ancestors, who first settled these Colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects within the realm of England.

Resolved, 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their

legislative council: and as the English Colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their Sovereign, in such manner as has heretofore been used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British Parliament, as are *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

Resolved, 5. That the respective Colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, 7. That these, his Majesty's Colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by Royal Charters, or secured by their several codes of Provincial Laws.

Resolved, 8. That they have a right peaceably to assemble, consider their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, 9. That the keeping a standing army in these Colonies, in times of peace, without the consent of the Legislature of that Colony, in which such army is kept, is against law.

Resolved, 10. It is indispensably necessary to good government, and rendered essential by the English Constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several Colonies, by a Council appointed during the pleasure of the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All, and each of which, the aforesaid Deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their Representatives in their several Provincial Legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the late war, which demonstrate a system formed to enslave America.

Resolved, That the following Acts of Parliament are infringements and violations of the rights of the Colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American Colonies, viz.:

The several Acts of 4 Geo. III. ch. 15, and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41, and ch. 46.—8 Geo. III. ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the Admiralty Courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III. ch. 24, entitled "An Act for the better securing his Majesty's dock yards, magazines, ships, ammunition and stores," which declares a new offense in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said Act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three Acts passed in the last session of Parliament, for stopping the port and blocking up the harbor of Boston, for altering the Charter and Government of Massachusetts Bay, and that which is entitled "An Act for the better administration of justice," etc.

Also the Act, passed in the same session, for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English Laws, and erecting a tyranny there,

to the great danger (from so total a dissimilarity of religion, law and government) of the neighboring British Colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also the Act, passed in the same session, for the better providing suitable quarters for officers and soldiers in his Majesty's service, in North America.

Also, that the keeping a standing army in several of these Colonies, in time of peace, without the consent of the Legislature of that Colony in which such army is kept, is against law.

To these grievous acts and measures Americans cannot submit, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have, for the present, only resolved to pursue the following peaceable measures:

1. To enter into a non-importation, non-consumption, and non-exportation agreement or association.

2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America.

3. To prepare a loyal address to his Majesty, agreeable to resolutions already entered into.

THE DECLARATION OF INDEPENDENCE.

(Adopted in Congress, July 4, 1776.)

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States To prove this, let facts be submitted to a candid world:

1. He has refused his assent to laws the most wholesome and necessary for the public good.

2. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

3. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

4. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

5 He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

6. He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

7. He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

8. He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

9. He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

10. He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

11. He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

12. He has affected to render the military independent of, and superior to, the civil power.

13. He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

14. For quartering large bodies of armed troops among us;

15. For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

16. For cutting off our trade with all parts of the world;

17. For imposing taxes on us without our consent;

18. For depriving us, in many cases, of the benefits of trial by jury;

19. For transporting us beyond seas to be tried for pretended offenses;

20. For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

21. For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

22. For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

23. He has abdicated government here by declaring us out of his protection, and waging war against us.

24. He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

25. He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

26. He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

27. He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us We have reminded them of the circumstances of our emigration and

settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind—enemies in war; in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

NEW HAMPSHIRE.
JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

MASSACHUSETTS BAY.
SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND.
STEPHEN HOPKINS,
WILLIAM ELLERY.

CONNECTICUT.
ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

NEW YORK.
WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.
RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

DELAWARE.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN,

MARYLAND.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, OF CARROLLTON.

VIRGINIA.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JUN.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

NORTH CAROLINA.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JUN.,
THOMAS LYNCH, JUN.,
ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

ARTICLES OF CONFEDERATION.

To all to whom these presents shall come, we the undersigned Delegates of the States affixed to our names, send greeting:

WHEREAS, The Delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, agree to certain Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, VIZ.:

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

ARTICLE I. The style of this Confederacy shall be "The United States of America."

ART. II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

ART. III. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States of this Union, the free inhabitants of each of these States, paupers

vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively; *provided*, that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; *provided also*, that no imposition, duties or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ART. V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the Legislature of each State shall direct, to meet in Congress, on the first Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and

from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any King, Prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any King, Prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any King, Prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted. Nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only

against the Kingdom or State, and the subjects thereof, against which war has been so declared; and under such regulations as shall be established by the United States, in Congress assembled; unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII. When land forces are raised by any State for the common defense, all officers of or under the rank of colonel shall be appointed by the Legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of the common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. IX. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances; *provided*, that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals

in all cases of captures; *provided*, that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the Acts of Congress for the security of the parties concerned; *provided*, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the Judges of the Supreme or Superior Court of the State where the cause shall be

tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward"; *provided, also*, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before described for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the States; *provided*, that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating postoffices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated a "Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; *provided*, that no person be allowed to serve in the office of President more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every

half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled. But if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy unless nine States assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to

treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; *provided*, that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII. All bills of credit emitted, moneys borrowed and debts contracted, by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART XIII. Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

AND WHEREAS, It hath pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know ye that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Con-

federation and perpetual Union, and all and singular the matters and things therein contained.

And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the 3d year of the Independence of America.

JOSIAH BARTLETT,	JOHN WENTWORTH, JR. Aug. 8, 1778.	On the part and behalf of the State of New Hampshire.
JOHN HANCOCK, SAMUEL ADAMS, ELBRIDGE GERRY,	FRANCIS DANA, JAMES LOVELL, SAMUEL HOLTON,	On the part and behalf of the State of Massachusetts Bay.
WILLIAM ELLERY, HENRY MARCHANT,	JOHN COLLINS,	On the part and behalf of the State of Rhode Island and Providence Plantations.
ROGER SHERMAN, SAM'L HUNTINGTON, OLIVER WOLCOTT,	TITUS HOSMER, ANDREW ADAM,	On the part and behalf of the State of Connecticut.
JAMES DUANE, FRANCIS LEWIS,	WILLIAM DUER, GOUVERNEUR MORRIS,	On the part and behalf of the State of New York.
JOHN WITHERSPOON,	NATHANIEL SCUDDER,	On the part and behalf of the State of New Jersey, November 26, 1778.
ROBERT MORRIS, DANIEL ROBERDEAU, J. BAYARD SMITH,	WILLIAM CLINGAN, JOSEPH REED, July 22, 1778.	On the part and behalf of the State of Pennsylvania.
THOMAS MCKEAN, Feb. 12, 1779. NICHOLAS VAN DYKE,	JOHN DICKINSON, May 5, 1779.	On the part and behalf of the State of Delaware.
JOHN HANSON, March 1, 1781.	DANIEL CARROLL, March 1, 1781.	On the part and behalf of the State of Maryland.
RICHARD HENRY LEE, JOHN BANISTER, THOMAS ADAMS,	JOHN HARVIE, F. LIGHTFOOT LEE,	On the part and behalf of the State of Virginia.

JOHN PENN, July 21, 1778.	CORNELIUS HARNETT, JOHN WILLIAMS,	On the part and behalf of the State of North Carolina.
HENRY LAURENS, WM HENRY DRAYTON, JOHN MATTHEWS,	RICHARD HUTSON, THOS. HEYWARD, JR.,	On the part and behalf of the State of South Carolina.
JOHN WALTON, July 24, 1778.	EDWARD TELFAIR, EDW'D LANGWORTHY,	On the part and behalf of the State of Georgia.

The Articles of Confederation were ratified by the States as follows:

South Carolina	February 5, 1778	Massachusetts	March 10, 1778
New York	February 6, 1778	North Carolina	April 5, 1778
Rhode Island	February 9, 1778	New Jersey	November 19, 1778
Connecticut	February 12, 1778	Virginia	December 15, 1778
Georgia	February 26, 1778	Delaware	February 1, 1779
New Hampshire	March 4, 1778	Maryland	January 30, 1781
Pennsylvania	March 5, 1778		

The ratification by all the States was formally announced to the public March 1, 1781.

The Presidents of the Continental Congress and their terms of service from 1774 to 1788, were as follows:

Peyton Randolph, Virginia	Sept. 5, 1774
Henry Middleton, South Carolina	Oct. 22, 1774
Peyton Randolph, Virginia	May 10, 1775
John Hancock, Massachusetts	May 24, 1776
Henry Laurens, South Carolina	Nov. 1, 1777
John Jay, New York	Dec. 10, 1778
Samuel Huntingdon, Connecticut	Sept. 28, 1779
Thomas McKean, Delaware	July 10, 1781
John Hanson, Maryland	Nov. 5, 1781
*Elias Boudinot, New Jersey	Nov. 4, 1782
Thomas Mifflin, Pennsylvania	Nov. 3, 1783
Richard Henry Lee, Virginia	Nov. 30, 1784
Nathaniel Gorham, Massachusetts	Jan. 6, 1786
Arthur St. Clair, Pennsylvania	Feb. 2, 1787
†Cyrus Griffin, Virginia	Jan. 22, 1788

* President Elias Boudinot signed the Treaty of Peace between England and the United States September 3, 1783.

† President Cyrus Griffin held office until the organization of the Government under the Constitution adopted in 1789.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

LEGISLATIVE DEPARTMENT.

Congress.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

HOUSE OF REPRESENTATIVES.

Election of Representatives.

SEC. 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Qualifications of Representatives.

2. No person shall be a Representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of Representatives.

3. [Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined

by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.]

This clause has been superseded, so far as it relates to representation, by Section 2 of the Fourteenth Amendment to the Constitution.

Vacancies.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Officers of the House.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SENATE.

Number of Senators.

SEC. 3. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

Classification of Senators—Vacancies.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Qualifications of Senators.

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

President of Senate.

4. The Vice-President of the United States shall be President of the Senate, but shall have no voice unless they shall be equally divided.

Officers of Senate.

5. The Senate shall choose their officers, and have a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Trial of impeachment.

6. The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment.

7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

ELECTION OF SENATORS AND REPRESENTATIVES—MEETINGS OF CONGRESS.

Election of members of Congress.

SEC. 4. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Congress to meet annually.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

POWERS AND DUTIES OF EACH HOUSE OF CONGRESS.

Sole judge of qualifications of members.

SEC. 5. 1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Rules of proceedings—Punishment of members.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Journals.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the ayes and noes of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Adjournment.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, PRIVILEGES AND DISABILITIES, OF SENATORS AND REPRESENTATIVES.

Compensation—Privileges.

SEC. 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Disability to hold other offices.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority

of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

[See also Section 3 of the Fourteenth Amendment.]

MODE OF PASSING LAWS.

Special provision as to revenue laws.

SEC. 7. 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Laws, how enacted.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by ayes and noes; and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Same rules apply to resolutions.

3. Every order, resolution, or vote, to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWERS GRANTED TO CONGRESS.

Taxation.

SEC. 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Loans.

2. To borrow money on the credit of the United States.

Commerce.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Naturalization.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

Coin.

5. To coin money, regulate the value thereof and of foreign coins, and fix the standard of weights and measures.

Counterfeiting.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

Post office.

7. To establish post offices and post roads.

Patents and copyrights.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

Courts.

9. To constitute tribunals inferior to the Supreme Court.

Piracies.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

War.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Army.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

Navy.

13. To provide and maintain a navy.

Military and navy rules.

14. To make rules for the government and regulation of the land and naval forces.

Militia.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Militia.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Federal district and other places.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Make laws to carry out foregoing powers.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

[For other powers, see Article II, Section 1; Article III, Sections 2 and 3; Article IV, Sections 1-3; and Article V.]

LIMITATIONS ON POWERS GRANTED TO THE UNITED STATES.

Slave trade.

SEC. 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight

hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas corpus.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Ex post facto law.

3. No bill of attainder or ex post facto law shall be passed.

Direct taxes.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Duties on exports.

5. No tax or duty shall be laid on articles exported from any State.

No commercial discrimination to be made between States.

6. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Money, how drawn from treasury.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles of nobility.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

POWERS PROHIBITED TO THE STATES.

SEC. 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post

facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE DEPARTMENT.

Executive power vested in President—Term of office.

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President chosen for the same term, be elected as follows:

Appointment and number of Presidential Electors.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

Mode of electing President and Vice-President.

3. [The Electors shall meet in their respective States and vote, by ballot, for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate

shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the President. But in choosing the President the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.]

This clause has been superseded by the Twelfth Amendment to the Constitution.

Time of choosing Electors and casting Electoral vote.

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications of President.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

[See also Article II, Section 1, and Fourteenth Amendment.]

Presidential succession.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and

such officer shall act accordingly, until the disability is removed, or a President shall be elected.

NOTE.—Agreeably with the powers conferred by Clause 6, Section 1, Article II, of the Constitution, at its first session the Forty-ninth Congress in 1886 provided for the succession to the Presidency in case of the removal, death, resignation, or inability of the President and Vice-President by directing that the office devolve first upon the Secretary of State, and in case of his inability, for any reason, to perform its duties, it should pass, successively, upon similar conditions, to the Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. If, however, any one of these officers should be of foreign birth, or otherwise disqualified, the Presidency passes to the next named in the list.

Salary of President.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Oath of office of President.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS OF PRESIDENT.

Commander-in-chief.

SEC. 2. 1. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Treaties and appointments.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other pub-

lic ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Filling vacancies.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

FURTHER POWERS OF PRESIDENT.

Message to Congress—Adjourn and call special session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

[See also Article I, Section 5.]

Impeachment of President and other officers.

SEC. 4. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

[See also Article I, Sections 2 and 3.]

ARTICLE III.

JUDICIAL DEPARTMENT.

Courts—Terms of office and salary of judges.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior courts, shall hold their offices

during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

[See also Eleventh Amendment.]

JURISDICTION OF UNITED STATES COURTS.

Cases that may come before United States courts.

SEC. 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Jurisdiction of Supreme and appellate courts.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trial of crimes.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be put at such place or places as the Congress may, by law, have directed.

[See also Fifth, Sixth, Seventh, and Eighth Amendments.]

TREASON.

Treason defined.

SEC. 3. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Conviction.

2. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment.

3. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

THE STATES AND THE FEDERAL GOVERNMENT.

State records.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

[See also Fourteenth Amendment.]

Interstate privileges of citizens.

SEC. 2. 1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

Fugitives from justice.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from service.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Admission of new States.

SEC. 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by

the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress.

Control of the property and territory of the Union.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Republican government guaranteed.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

AMENDMENTS.

Amendments, how proposed and adopted.

SECTION 1. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

PROMISCUOUS PROVISIONS.

The public debt.

SECTION 1. 1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid

against the United States, under this Constitution, as under the Confederation.

[See also Fourteenth Amendment, Section 4.]

Supreme law of the land.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Oath of office and religious test.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

RATIFICATION OF CONSTITUTION.

SECTION 1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES McHENRY,
DANIEL OF ST. TH. JENIFER,
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, JR.

NORTH CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH CAROLINA.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest:

WILLIAM JACKSON,
Secretary.

The Constitution was adopted at Philadelphia, Pennsylvania, on the 17th day of September, 1787, by the Convention appointed in pursuance of a resolution of the Congress of the Confederation passed February 21, 1787, and the result reported to Congress, which thereupon, on September 28, 1787, directed that the Constitution so framed be transmitted to the several States for ratification or rejection.

The Constitution of the United States went into effect on the 4th day of March, 1789, the date set by Congress for it to become in force. Section 1, Article VII, provided:

"The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

On March 4, 1789, it had been ratified by the Legislatures of eleven States, as follows:

Delaware	December	7, 1787
Pennsylvania	December	12, 1787
New Jersey	December	18, 1787
Georgia	January	2, 1788
Connecticut	January	9, 1788
Massachusetts	February	6, 1788
Maryland	April	28, 1788
South Carolina	May	23, 1788
New Hampshire	June	21, 1788
Virginia	June	26, 1788
New York	July	26, 1788

On January 28, 1790, the President informed Congress that the State of North Carolina had ratified the Constitution on November 21, 1789.

On June 1, 1790, the President informed Congress that Rhode Island had ratified the Constitution on May 29, 1789. This completed the list of the thirteen original States.

Vermont, in Convention, ratified the Constitution January 10, 1789, and was, by an Act of Congress, approved February 19, 1791, "received and admitted into this Union as a new and entire member of the United States."

ARTICLES IN ADDITION TO AND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

RESTRICTIONS ON POWERS OF CONGRESS.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. [*Proposed September 25, 1789; in effect December 15, 1791.*]

ARTICLE II.

RIGHT TO BEAR ARMS.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—[*Id.*]

ARTICLE III.

BILLETING OF SOLDIERS.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.—[*Id.*]

ARTICLE IV.

SEIZURES, SEARCHES, AND WARRANTS.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.—[*Id.*]

ARTICLE V.

CRIMINAL PROCEEDINGS AND CONDEMNATION OF PROPERTY.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.—[*Id.*]

ARTICLE VI.

MODE OF TRIAL IN CRIMINAL PROCEEDINGS.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.—[*Id.*]

ARTICLE VII.

TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise reëxamined in any court of the United States than according to the rules of the common law.—[*Id.*]

ARTICLE VIII.

BAILS—FINES—PUNISHMENTS.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—[*Id.*]

ARTICLE IX.

CERTAIN RIGHTS NOT DENIED TO THE PEOPLE.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—[*Id.*]

ARTICLE X.

STATE RIGHTS.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.—[*Id.*]

ARTICLE XI.

JUDICIAL POWERS.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.—[*Proposed September 5, 1794; in effect January 8, 1798.*]

ARTICLE XII.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the

highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.—[*Proposed December 12, 1803; in effect September 25, 1804.*]

ARTICLE XIII.

SLAVERY.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.—[*Proposed February 1, 1865; in effect December 18, 1865.*]

ARTICLE XIV.

CITIZENSHIP, REPRESENTATION, AND PAYMENT OF PUBLIC DEBT.

Citizenship.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges

or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

SEC. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Disqualification for public office.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Public debt, guarantee of.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or

any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Power of Congress.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.—[*Proposed June 16, 1866; in effect July 28, 1868.*]

ARTICLE XV.

ELECTIVE FRANCHISE.

Right of citizens to vote.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Power of Congress.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.—[*Proposed February 27, 1869; in effect March 30, 1870.*]

HISTORY OF THE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

Twelve amendments were proposed by the First Congress, on the 25th day of September, 1789. The last ten were adopted, and they are the first ten as given herein. They went into effect December 15, 1791, the day upon which Congress received notice that they had been ratified by Virginia, the eleventh State to take such action, making the necessary three fourths. There were then fourteen States in the Union.

The rejected Articles were as follows:

I. After the first enumeration required by the First Article of the Constitution, there shall be one Representative for every 30,000 persons, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred Representatives nor more than one for every 40,000 persons, until the number shall amount to two hundred; after which the proportion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every 50,000 persons.

II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

The twelve proposed amendments were acted upon as follows:

All ratified by Maryland, New Jersey, North Carolina, South Carolina, Vermont, and Virginia—6.

All excepting Article I ratified by Delaware—1.

All excepting Article II ratified by Pennsylvania—1.

All excepting Articles I and II ratified by New Hampshire, New York, and Rhode Island—3.

All rejected by Connecticut, Georgia, and Massachusetts—3.

Notification of the ratification of the ten amendments by the Legislatures of the several States was forwarded by the Governors thereof to the President of the United States, and by him communicated to Congress in the following order:

New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791.

Article XI was proposed by the Third Congress on the 5th of September, 1794, and declared in force January 8, 1798, by a message of the President to Congress proclaiming that it had been ratified by the Legislatures of three fourths of the States.

Article XII was proposed in the first session of the Eighth Congress, on the 12th of December, 1803, and declared in force by a proclamation of the Secretary of State of date September 25, 1804, stating that it had been ratified by the Legislatures of three fourths of the States.

Article XIII was proposed by the Thirty-eighth Congress February 1, 1865, and declared in force December 18, 1865, in the following proclamation by the Secretary of State (U. S. Statutes at Large, Vol. 13, page 775):

* * * WHEREAS, It appears from official documents on file in this department that the amendment to the Constitution of the United States proposed as aforesaid, has been ratified by the legislatures of the states of Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia; in all twenty-seven states;

AND WHEREAS, The whole number of states in the United States is thirty-six;

AND WHEREAS, The before specially named states, whose legislatures have ratified the said proposed amendment, constitute three fourths of the whole number of states in the United States:

NOW, THEREFORE, be it known, that I, William H. Seward, Secretary of State of the United States, by virtue and in pursuance of the second section of the Act of Congress, approved the twentieth of April, eighteen hundred and eighteen, entitled "An Act to provide for the publication of the laws of the United States and for other purposes," do hereby certify that the amendment aforesaid has become valid, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the Department of the State to be affixed.

Done at the City of Washington, this eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the ninetieth.

[L. S.]

WILLIAM H. SEWARD,
Secretary of State.

Summary.—Number of states in Union, 36. Number of states ratifying at date of promulgation, 27.

Subsequently the amendment was ratified by the following states: California (December 20, 1865, Statutes of California 1865, page 896), Florida, Iowa, Mississippi, New Jersey, Oregon, and Texas—7.

Rejected by Delaware and Kentucky—2.

Article XIV was proposed by the Thirty-ninth Congress June 16, 1866. Mr. Seward, the Secretary of State, issued two promulgations of this amendment—the first being dated July 20, 1868 (U. S. Statutes at Large, Vol. 15, page 706), and reads as follows:

* * * WHEREAS, By the second section of the Act of Congress, approved the twentieth of April, one thousand eight hundred and eighteen, entitled "An Act to provide for the publication of the laws of the United States, and for other purposes," it is made the duty of the Secretary of State forthwith to cause any amendment to the Constitution of the United States, which has been adopted according to the provisions of the said Constitution, to be published in the newspapers authorized to promulgate the laws, with his certificate specifying the states by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States;

AND WHEREAS, Neither the Act just quoted from, nor any other law, expressly or by conclusive implication, authorizes the Secretary of State to determine and decide doubtful questions as to the authenticity of the organization of state legislatures, or as to the power of any state legislature to recall a previous act or resolution of ratification of any amendment proposed to the Constitution;

AND WHEREAS, It appears from official documents on file in this department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the states of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, and Iowa;

AND WHEREAS, It further appears from documents on file in this department that the amendment to the Constitution of the United States, proposed as aforesaid, has also been ratified by newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of the states of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama;

AND WHEREAS, It further appears from official documents on file in this department that the legislatures of two of the states first above enumerated, to wit: Ohio and New Jersey, have since passed resolutions, respectively, withdrawing the consent of each

of said states to the aforesaid amendment; and, whereas, it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two states, or either of them, to the aforesaid amendment;

AND WHEREAS, The whole number of states in the United States is thirty-seven, to wit: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Deleware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Vermont, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Maine, Missouri, Arkansas, Michigan, Florida, Texas, Iowa, Wisconsin, Minnesota, California, Oregon, Kansas, West Virginia, Nevada, and Nebraska;

AND WHEREAS, The twenty-three states first hereinbefore named, whose legislatures have ratified the said proposed amendment, and the six states next thereafter named, as having ratified the said proposed amendment, by newly constituted and established legislative bodies, together constitute three fourths of the whole number of states in the United States:

NOW, THEREFORE, be it known that I, William H. Seward, Secretary of State of the United States, by virtue and in pursuance of the second section of the Act of Congress, approved the twentieth of April, 1818, hereinbefore cited, do hereby certify that if the resolutions of the legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of those states, which purport to withdraw the consent of said states from such ratification, then the aforesaid amendment has been ratified in the manner hereinbefore mentioned, and so has become valid, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this twentieth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

[L. S.]

WILLIAM H. SEWARD,
Secretary of State.

This document was not accompanied by the order of publication required by the Act of April 20, 1818. Congress on the 21st day of July, 1868, by joint resolution (Statutes at Large, Vol. 15, page 709) resolved that the Fourteenth Article be declared a part of the Constitution and be duly promulgated as such by the Secretary of State. Accordingly the Secretary of State on the 28th of July issued the following proclamation (Statutes at Large, Vol. 15, page 710):

* * * AND WHEREAS, Official notice has been received at the Department of State that the legislatures of the several states

next hereinafter named have, at the times respectively herein mentioned taken the proceedings hereinafter recited upon or in relation to the ratification of the said proposed amendment, called Article Fourteenth, namely:

The legislature of Connecticut ratified the amendment June 30, 1866; the legislature of New Hampshire ratified it July 7, 1866; the legislature of Tennessee ratified it July 19, 1866; the legislature of New Jersey ratified it September 11, 1866, and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it; the legislature of Oregon ratified it September 19, 1866; the legislature of Texas rejected it November 1, 1866; the legislature of Vermont ratified it on or previous to November 9, 1866; the legislature of Georgia rejected it November 13, 1866, and the legislature of the same State ratified it July 21, 1868; the legislature of North Carolina rejected it December 4, 1866, and the legislature of the same State ratified it July 4, 1868; the legislature of South Carolina rejected it December 20, 1866, and the legislature of the same State ratified it July 9, 1868; the legislature of Virginia rejected it January 9, 1867; the legislature of Kentucky rejected it January 10, 1867; the legislature of New York ratified it January 10, 1867; the legislature of Ohio ratified it January 11, 1867, and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it; the legislature of Illinois ratified it January 15, 1867; the legislature of West Virginia ratified it January 16, 1867; the legislature of Kansas ratified it January 18, 1867; the legislature of Maine ratified it January 19, 1867; the legislature of Nevada ratified it January 22, 1867; the legislature of Missouri ratified it on or previous to January 26, 1867; the legislature of Indiana ratified it January 29, 1867; the legislature of Minnesota ratified it February 1, 1867; the legislature of Rhode Island ratified it February 7, 1867; the legislature of Delaware rejected it February 7, 1867; the legislature of Wisconsin ratified it February 13, 1867; the legislature of Pennsylvania ratified it February 13, 1867; the legislature of Michigan ratified it February 15, 1867; the legislature of Massachusetts ratified it March 20, 1867; the legislature of Maryland rejected it March 23, 1867; the legislature of Nebraska ratified it June 15, 1867; the legislature of Iowa ratified it April 3, 1868; the legislature of Arkansas ratified it April 6, 1868; the legislature of Florida ratified it June 9, 1868; the legislature of Louisiana ratified it July 9, 1868, and the legislature of Alabama ratified it July 13, 1868.

NOW, THEREFORE, be it known that I, William H. Seward, Secretary of State of the United States, in the execution of the aforesaid Act, and of the aforesaid concurrent resolution of the 21st of July, 1868, and in conformance thereto, do hereby direct the said proposed amendment to the Constitution of the United States to be published in the newspapers authorized to promulgate the laws of the United States, and I do hereby certify that the said proposed amendment has been adopted in the manner hereinbefore mentioned by the states specified in the said concurrent resolution, namely, the states of Connecticut, New Hamp-

shire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and also by the legislature of the state of Georgia; the states thus specified being more than three fourths of the states of the United States.

And I do further certify that the said amendment has become valid to all intents and purposes as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Department of State to be affixed.

Done at the City of Washington this twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

[SEAL.] WILLIAM H. SEWARD,
Secretary of State.

Summary.—Number of states in the Union at the date of promulgation, 37.

States originally ratifying at date of promulgation—Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, Wisconsin—25.

States at first rejecting and finally ratifying at date of promulgation—Georgia, North Carolina, South Carolina—3.

States at first ratifying and prior to promulgation passed resolutions withdrawing their consent—New Jersey, Ohio—2.

States rejecting at date of promulgation—Delaware, Kentucky, Maryland—3.

States rejecting at date of promulgation, but subsequently ratifying—Texas, Virginia—2.

Mississippi had taken no action at date of promulgation, but subsequently ratified.

California took no action.

Article XV was proposed by the Fortieth Congress February 27, 1869, and declared in force March 30, 1870, in the following proclamation (U. S. Statutes at Large, Vol. 16, page 1131):

* * * It appears from official documents on file in this department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the states of North Carolina, West Virginia, Massachusetts, Wisconsin, Maine, Louisiana, Michigan, South Carolina, Pennsylvania, Arkansas, Connecticut, Florida, Illinois, Indiana, New

York, New Hampshire, Nevada, Vermont, Virginia, Alabama, Missouri, Mississippi, Ohio, Iowa, Kansas, Minnesota, Rhode Island, Nebraska, and Texas, in all twenty-nine states.

And, further, that the states whose legislatures have so ratified the said proposed amendment constitute three fourths of the whole number of states in the United States.

And, further, that it appears from an official document on file in this department that the legislature of the state of New York has since passed resolutions claiming to withdraw the said ratification of the said amendment which had been made by the legislature of that state, and of which official notice had been filed in this department.

And, further, that it appears from an official document on file in this department that the legislature of Georgia has by resolution ratified the said proposed amendment.

NOW, THEREFORE, Be it known that I, Hamilton Fish, Secretary of State of the United States, by virtue and in pursuance of the second section of the Act of Congress approved the twentieth day of April, in the year eighteen hundred and eighteen, entitled "An Act to provide for the publication of the laws of the United States and for other purposes," do hereby certify that the amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this thirtieth day of March, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States the ninety-fourth.

[L. S.] HAMILTON FISH,
Secretary of State.

Summary.—Number of states in the Union at the date of promulgation, 37.

States ratifying at date of promulgation—Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Lousiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and Wisconsin—29.

New York at first ratified, but prior to date of promulgation passed a resolution withdrawing its consent—1.

Georgia at first rejected, but prior to date of promulgation ratified—1.

The amendment was rejected by California (January 28, 1870; Statutes of California 1869-1870, page 913), Delaware, Kentucky, Maryland, New Jersey, and Oregon—6.

No final action was taken by Tennessee—1.

TREATY WITH MEXICO.

Treaty of Peace, Friendship, Limits, and Settlement, Between the United States of America and the Mexican Republic.

Dated at Guadalupe Hidalgo, 2d February, 1848.
Ratified by the President U. S., 16*th March*, 1848.
Exchanged at Queretaro, 30*th May*, 1848.
Proclaimed by the President U. S., 4*th July*, 1848.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, A Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic, was concluded and signed at the City of Guadalupe Hidalgo, on the second day of February, one thousand eight hundred and forty-eight, which Treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:—

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence, wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo

Couto, and Don Miguel Atristan, citizens of the said Republic, who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same

convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the custom-houses at all the ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed within one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitely restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The City of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, etc.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the River Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle

of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various Acts of the Congress of said republic, and constructed according to the best Authorities. Revised edition. Published at New York, in 1847, by J. Disturnell." Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or part run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to

continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of

Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that, when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian

occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the City of Mexico, in gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual installments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the installments shall be paid at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated, and decided against the Mexican Republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt for the future from all expenses whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be

rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive; *provided*, that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the City of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; *provided*, that no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the City of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-

house of such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If, unhappily, any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules, absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months (for those dwelling in the interior), and six months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods they shall enjoy the same protection and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance; conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burned or otherwise destroyed, nor their cattle taken, nor their fields wasted by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close or noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient

districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such rations as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annul ing or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its General Congress; and the ratifications shall be exchanged in the City of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

IN FAITH WHEREOF, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the City of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST, [L. S.]
LUIS G. CUEVAS, [L. S.]
BERNARDO COUTO, [L. S.]
MIGL. ATRISTAN. [L. S.]

AND WHEREAS, The said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the Government of the United States, and by Señor Don Luis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that government:

NOW, THEREFORE, BE IT KNOWN, That I, JAMES K. POLK, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

{L. S.} Done at the City of Washington, this fourth day of July, one thousand eight hundred and forty-eight, and of the independence of the United States the seventy-third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN, Secretary of State.

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and Fifth Articles of the Unratified Convention Between the United States and the Mexican Republic of the 20th of November, 1843.

ARTICLE I.

All claims of citizens of the Mexican Republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican Republic, which for whatever cause were not submitted to, nor considered nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

PROCLAMATIONS.

BY GEN. BENNET RILEY, MILITARY GOVERNOR OF CALIFORNIA, 1849.

To the People of California:

Congress having failed at its recent session to provide a new government for this country to replace that which existed on the annexation of California to the United States, the undersigned would call attention to the means which he deems best calculated to avoid the embarrassments of our present position.

The undersigned, in accordance with instructions from the Secretary of War, has assumed the administration of civil affairs in California, not as a *military* Governor, but as the executive of the existing civil government. In the absence of a properly appointed civil Governor, the commanding officer of the Department is, by the laws of California, *ex officio* civil Governor of the country, and the instructions from Washington were based on the provisions of these laws. This subject has been misrepresented or at least misconceived, and currency given to the impression that the government of the country is still *military*. Such is not the fact. The military government ended with the war, and what remains is the *civil* government recognized in the existing laws of California. Although the command of the troops in this Department and the administration of civil affairs in California, are, by the existing laws of the country and the instructions of the President of the United States, temporarily lodged in the hands of the same individual, they are separate and distinct. No military officer other than the commanding general of the Department exercises any civil authority by virtue of his military commission, and the powers of the commanding general as *ex officio* Governor are only such as are defined and recognized in the existing laws. The instructions of the Secretary of War make it the duty of all military officers to recognize the existing civil government and to aid its officers with the military force under their control. Beyond this any interference is not only uncalled for but strictly forbidden.

The laws of California, not inconsistent with the laws, constitution and treaties of the United States, are still in force and must continue in force till changed by competent authority. Whatever may be thought of the right of the people to temporarily replace

the officers of the existing government by others appointed by a provisional Territorial Legislature, there can be no question that the existing laws of the country must continue in force till replaced by others made and enacted by competent power. That power by the treaty of peace, as well as from the nature of the case, is vested in Congress. The situation of California in this respect is very different from that of Oregon. The latter was without laws, while the former has a system of laws, which, though somewhat defective and requiring many changes and amendments, must continue in force till repealed by competent legislative power. The situation of California is almost identical with that of Louisiana, and the decisions of the Supreme Court in recognizing the validity of the laws which existed in that country previous to its annexation to the United States, where not inconsistent with the constitution and laws of the United States, or repealed by legitimate legislative enactments, furnish us a clear and safe guide in our present situation. It is important that citizens should understand this fact, so as not to endanger their property and involve themselves in useless and expensive litigation by giving countenance to persons claiming authority which is not given them by law and by putting faith in laws which can never be recognized by legitimate courts.

As Congress has failed to organize a new Territorial Government it becomes our imperative duty to take some active measures to provide for the existing wants of the country. This, it is thought, may be best accomplished by putting in full vigor the administration of the laws as they now exist, and completing the organization of the civil government by the election and appointment of all officers recognized by law: While at the same time a convention, in which all parts of the Territory are represented, shall meet and frame a State constitution or a Territorial organization, to be submitted to the people for their ratification and then proposed to Congress for its approval. Considerable time will necessarily elapse before any new government can be legitimately organized and put in operation; in the interim the existing government, if its organization be completed, will be found sufficient for all our temporary wants.

A brief summary of the organization of the present government may not be uninteresting. It consists, 1st, of a Governor, appointed by the Supreme Government; in default of such appointment the office is temporarily vested in the commanding military officer of the Department. The powers and duties of the Governor are of a limited character, but fully defined and pointed out by the laws.

2d. A Secretary, whose duties and powers are also properly defined. 3d. A Territorial or Departmental Legislature, with limited powers to pass laws of a local character. 4th. A Superior Court (*Tribunal Superior*) of the Territory, consisting of four Judges and a Fiscal. 5th. A Prefect and sub-Prefects for each district, who are charged with the preservation of public order and the execution of the laws; their duties correspond in a great measure with those of District Marshals and Sheriffs. 6th. A Judge of First Instance for each district. This office is by a custom not inconsistent with the laws, vested in the 1st Alcalde of the district. 7th. Alcaldes who have concurrent jurisdiction among themselves in the same district, but are subordinate to the higher judicial tribunals. 8th. Local Justices of the Peace. 9th. *Ayuntamientos* or Town Councils. The powers and functions of all these officers are fully defined in the laws of this country and are almost identical with those of the corresponding officers in the Atlantic and Western States.

In order to complete this organization with the least possible delay, the undersigned, in virtue of power in him vested, does hereby appoint the first of August next as the day for holding a special election for delegates to a general convention, and for filling the offices of Judges of the Superior Court, Prefects, and sub-Prefects and all vacancies in the offices of 1st Alcalde (or Judge of First Instance), Alcaldes, Justices of the Peace, and Town Councils. The Judges of the Superior Court, and District Prefects are by law executive appointments, but being desirous that the wishes of the people should be fully consulted, the Governor will appoint such persons as may receive the plurality of votes in their respective districts, provided they are competent and eligible to the office. Each district will therefore elect a Prefect and two sub-Prefects, and fill the vacancies in the offices of 1st Alcalde (or Judge of First Instance) and of Alcaldes. One Judge of the Superior Court will be elected in the Districts of San Diego, Los Angeles and Santa Barbara; one in the Districts of San Luis Obispo and Monterey; one in the Districts of San José and San Francisco; and one in the Districts of Sonoma, Sacramento and San Joaquin.

The salaries of the Judges of the Superior Court, the Prefects and Judges of First Instance are regulated by the Governor, but cannot exceed, for the first $4,000 per annum, for the second $2,500, and for the third $1,500. These salaries will be paid out of the civil fund which has been formed from the proceeds of the customs, provided no instructions to the contrary are received

from Washington. The law requires that the Judges of the Superior Court meet within three months after its organization, and form a tariff of fees for the different Territorial Courts and legal officers, including all Alcaldes, Justices of the Peace, Sheriffs, Constables, etc.

All local Alcaldes, Justices of the Peace and members of Town Councils elected at the special election will continue in office till the 1st January, 1850, when their places will be supplied by the persons who may be elected at the regular annual election which takes place in November, at which time the election of members to the Territorial Assembly will also be held.

The general convention for forming a State constitution or a plan for Territorial government, will consist of 37 delegates, who will meet in Monterey on the first day of September next. These delegates will be chosen as follows:

The District of San Diego will elect two delegates, of Los Angeles four, of Santa Barbara two, of San Luis Obispo two, of Monterey five, of San José five, of San Francisco five, of Sonoma four, of Sacramento four, of San Joaquin four. Should any district think itself entitled to a greater number of delegates than that above named, it may elect supernumeraries, who on the organization of the convention will be admitted or not at the pleasure of that body.

The places for holding the election will be as follows: San Diego, San Juan Capistrano, Los Angeles, San Fernando, San Buenaventura, Santa Barbara, Nepoma, San Luis Obispo, Monterey, San Juan Bautista, Santa Cruz, San José de Guadoloupe, San Francisco, San Rafael, Bodega, Sonoma, Benicia. (The places for holding election in the Sacramento and San Joaquin Districts will be hereafter designated.) The local Alcaldes and members of the Ayuntamientos or Town Councils will act as judges and inspectors of elections. In case there should be less than three such judges and inspectors present at each of the places designated on the day of election, the people will appoint some competent persons to fill the vacancies. The polls will be open from 10 o'clock A. M. to 4 P. M., or until sunset if the judges deem it necessary.

Every free male citizen of the United States and of Upper California, 21 years of age, and actually resident in the district where the vote is offered, will be entitled to the right of suffrage. All citizens of Lower California who have been forced to come to this territory on account of having rendered assistance to the American troops during the recent war with Mexico, should also be allowed to vote in the district where they actually reside.

Great care should be taken by the inspectors that votes are received only from bona fide citizens actually resident in the country. These judges and inspectors previous to entering upon the duties of their office, should take an oath faithfully and truly to perform these duties. The returns should state distinctly the number of votes received for each candidate, be signed by the inspectors, sealed and immediately transmitted to the Secretary of State for file in his office.

The following are the limits of the several districts:

1st. The District of San Diego is bounded on the south by Lower California, on the west by the sea, on the north by the parallel of latitude including the mission San Juan Capistrano, and on the east by the Colorado river.

2nd. The District of Los Angeles is bounded on the south by the District of San Diego, on the west by the sea, on the north by the Santa Clara river, and a parallel of latitude running from the headwaters of that river to the Colorado.

3rd. The District of Santa Barbara is bounded on the south by the District of Los Angeles, on the west by the sea, on the north by Santa Inez river and a parallel of latitude existing from the headwaters of that river to the summit of the coast range of mountains.

4th. The District of San Luis Obispo is bounded on the south by the District of Santa Barbara, on the west by the sea, on the north by a parallel of latitude including San Miguel, and on the east by the coast range of mountains.

5th. The District of Monterey is bounded on the south by the District of San Luis, and on the north and east by a line running east from New Year's point to the summit of the Santa Clara range of mountains, thence along the summit of that range to the Arroyo de los Leagas and a parallel of latitude extending to the summit of the coast range and along that range to the District of San Luis.

6th. The District of San José is bounded on the north by the straits of Carquenas, the bay of San Francisco, the Arroyo of San Francisquito and a parallel of latitude to the summit of Santa Clara mountains, on the west and south by the Santa Clara mountains and the District of Monterey, and on the east by the coast range.

7th. The District of San Francisco is bounded on the west by the sea, on the south by the Districts of San José and Monterey, and on the east and north by the bay of San Francisco, including the islands in that bay.

8th. The District of Sonoma includes all the country bounded by the sea, the bays of San Francisco and Suisun, the Sacramento river and Oregon.

9th. The District of Sacramento is bounded on the north and west by the Sacramento river, on the east by the Sierra Nevada, and on the south by the Cosumnes river.

10th. The District of San Joaquin includes all the country south of the Sacramento District, and lying between the coast range and the Sierra Nevada.

The method here indicated to attain what is desired by all, viz:—a more perfect political organization, is deemed the most direct and safe that can be adopted, and one fully authorized by law. It is the course advised by the President, and by the Secretaries of State and of War of the United States, and is calculated to avoid the innumerable evils which must necessarily result from any attempt at illegal local legislation. It is therefore hoped that it will meet the approbation of the people of California, and that all good citizens will unite in carrying it into execution.

Given at Monterey, California, this third day of June, A. D. 1849.

B. RILEY,
Brevet Brig.-Gen'l U. S. A.,
and Governor of California.

Official—H. W. HALLECK,
Bvt. Captain and Secretary of State.

To the People of California:

It having been ascertained by the official canvass that the Constitution submitted to the people on the 13th day of November was ratified by the almost unanimous vote of the electors of this State;

Now THEREFORE I, Bennet Riley, Brevet Brigadier-General, U. S. Army, and Governor of California, do hereby proclaim and declare the said Constitution to be ordained and established as the Constitution of the State of California.

Given at Monterey, California, this 12th day of December, 1849.

B. RILEY,
Brevet Brig.-Gen'l, U. S. A.,
and Governor of California.

By the Governor:
H. W. HALLECK,
Bvt. Capt. and Sect'y of State.

To the People of California:

A new executive having been elected and installed into office, in accordance with the provisions of the Constitution of the State, the undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connection with the people of this country he would tender to them his most heartfelt thanks for their many kind attentions, and for the uniform support which they have given to the measures of his administration. The principal object of all his wishes is now accomplished—the people have a government of their own choice; one which, under the favor of Divine Providence, will secure their own prosperity and happiness, and the permanent welfare of the new State.

Given at San José, California, this 20th day of December, A. D. 1849.

B. RILEY,
Brevet Brig.-Gen'l, U. S. A.,
and Governor of California.

By the Governor:
H. W. HALLECK,
Bvt. Capt. and Sect'y of State.

SAN JOSÉ, December 22, 1849.

Gentlemen of the Senate and Assembly:

I take pleasure in placing before you, the two accompanying Proclamations issued by the late Governor Riley, and respectfully suggest that a convenient number be printed for distribution.

It has been my happiness to have long known Governor Riley; and I can say, in all sincerity and candor, that there does not exist, in my opinion, a more ardent and devoted friend of his country, or one who has served her more faithfully; and I desire to put on record this humble testimony to the character and services of one who has done so much for the people of California, and enjoys so fully their confidence and esteem.

*PETER H. BURNETT.

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* Peter H. Burnett was the first Governor of California under State Government.

ACT FOR THE ADMISSION OF THE STATE OF CALIFORNIA INTO THE UNION.

WHEREAS, The people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

2. The said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax, or assessment of any description whatsoever, upon the public domain of the United States; and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor; *provided*, that nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California, as articles of compact in the ordinance adopted by the convention which formed the Constitution of that State.

3. All laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere within the United States.

Approved September 9, 1850.

CONSTITUTION OF THE STATE OF CALIFORNIA—1849.

The delegates to the first Constitutional Convention met in Colton Hall in the town of Monterey at 12 M. of Saturday, the first day of September, 1849, and the Constitution of the State of California was adopted by the Convention October 10, 1849, ratified by the people November 13, 1849, proclaimed December 20, 1849, and amended in 1856, 1862, and 1871.

ABBREVIATIONS.

Cal.: California Reports.
Cal. App.: California Appellate Reports.

PREAMBLE.

Purpose of the Constitution.

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Inalienable rights of men.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

7 Cal. 6, 16; 9 Cal. 504; 18 Cal. 680; 22 Cal. 324; 23 Cal. 464; 32 Cal. 249; 33 Cal. 281; 36 Cal. 671; 38 Cal. 703; 39 Cal. 179; 47 Cal. 233.

Government for and by the people.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

22 Cal. 324, 325; 30 Cal. 189; 69 Cal. 372.

Jury trial.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

5 Cal. 112; 16 Cal. 253; 19 Cal. 141, 596; 22 Cal. 316; 47 Cal. 234; 51 Cal. 280.

Freedom of religion.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

9 Cal. 504; 17 Cal. 612; 18 Cal. 680; 43 Cal. 34; 48 Cal. 482; 59 Cal. 13; 60 Cal. 203, 204.

Habeas corpus.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

11 Cal. 226.

Bail—Witnesses.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

Bail.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

19 Cal. 541; 41 Cal. 31; 48 Cal. 4.

Criminal trials—Rights of the accused.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a grand jury; and, in any trial in any court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

3 Cal. 73; 7 Cal. 121; 12 Cal. 83; 14 Cal. 107; 18 Cal. 251; 22 Cal. 316; 23 Cal. 326; 29 Cal. 256; 31 Cal. 368, 538, 539; 32 Cal. 250; 33 Cal. 281; 39 Cal. 179; 40 Cal. 513; 41 Cal. 168; 42 Cal. 168; 43 Cal. 79; 47 Cal. 115, 234; 48 Cal. 4, 177, 334; 50 Cal. 403; 51 Cal. 87, 248; 53 Cal. 45, 212, 412, 413; 54 Cal. 531; 59 Cal. 245; 60 Cal. 105; 64 Cal. 178; 66 Cal. 501; 67 Cal. 232; 69 Cal. 372; 78 Cal. 566, 567; 82 Cal. 466; 109 Cal. 449, 622; 130 Cal. 495.

Freedom of speech—Libel suits.

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

22 Cal. 316.

Freedom of assembling and petitioning.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Laws to be uniform.

SEC. 11. All laws of a general nature shall have a uniform operation.

17 Cal. 552; 24 Cal. 544; 26 Cal. 255; 36 Cal. 671; 37 Cal. 375, 691; 38 Cal. 703; 43 Cal. 432; 52 Cal. 601; 58 Cal. 61; 122 Cal. 147.

Military subordinate to civil power.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

Quartering of soldiers.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

Representation according to population.

SEC. 14. Representation shall be apportioned according to population.

Imprisonment for debt and for militia fines forbidden.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

1 Cal. 440; 6 Cal. 240; 18 Cal. 64; 53 Cal. 207.

Bills of attainder—Ex post facto laws—Obligation of contracts.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

19 Cal. 173; 22 Cal. 316; 39 Cal. 272.

Rights of foreigners.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

6 Cal. 253; 12 Cal. 450; 13 Cal. 160, 165; 18 Cal. 219; 30 Cal. 189; 36 Cal. 671; 61 Cal. 358; 65 Cal. 595.

Slavery prohibited.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

General warrants.

SEC. 19. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Treason.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Rights retained by the people.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

32 Cal. 249; 39 Cal. 179; 48 Cal. 177.

Legislative appropriations, period of.

SEC. 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years. [*New section; ratified September 6, 1871.*]

ARTICLE II.

RIGHT OF SUFFRAGE.

Who may vote, who may not.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirtieth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote

at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

5 Cal. 25; 26 Cal. 178, 261; 43 Cal. 45; 83 Cal. 81.

Privileges of voters.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

26 Cal. 209.

Voters not obliged to perform military duty on election day.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

26 Cal. 249.

Residence of voters.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

15 Cal. 49; 26 Cal. 211; 28 Cal. 140; 31 Cal. 262; 38 Cal. 93.

Who are not entitled to privileges of an elector.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Election to be by ballot.

SEC. 6. All elections by the people shall be by ballot.

26 Cal. 186.

ARTICLE III.

DISTRIBUTION OF POWERS.

Three departments of government.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments: the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

5 Cal. 19, 112; 8 Cal. 15; 10 Cal. 403; 17 Cal. 557; 20 Cal. 43; 22 Cal. 478; 24 Cal. 126; 29 Cal. 452; 30 Cal. 167; 33 Cal. 281; 34 Cal. 522, 525; 46 Cal. 514; 47 Cal. 653; 50 Cal. 403; 52 Cal. 135; 151 Cal. 285.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative power.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

5 Cal. 21; 46 Cal. 514; 47 Cal. 652.

Sessions of the Legislature.

SEC. 2. The sessions of the Legislature shall be biennial and shall commence on the first Monday of December, next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 2. The sessions of the Legislature shall be annual, and shall commence on the first Monday of January, next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

Election of members of the Assembly.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 3. The members of the Assembly shall be chosen annually, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be one year.

26 Cal. 254.

Qualifications of members of Legislature.

SEC. 4. Senators and Members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

Election and qualification of Senators.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as Members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 5. Senators shall be chosen for the term of two years, at the same time and places as Members of Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State one year, and of the county or district for which he shall be chosen six months next before his election.

26 Cal. 253.

Number of Senators.

SEC. 6. The number of Senators shall not be less than one third nor more than one half of that of the Members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 6. The number of Senators shall not be less than one third nor more than one half of that of the Members of Assembly; and at the first session of the Legislature

after this Constitution takes effect, the Senators shall be divided by lot as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the first year, so that one half shall be chosen annually.

Increase of number of Senators.

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

8 Cal. 415.

Each house to choose its officers and judge of the qualifications of its members.

SEC. 8. Each house shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

34 Cal. 535; 47 Cal. 525.

Quorum.

SEC. 9. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Rules of proceeding, and expulsion of members.

SEC. 10. Each house shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

34 Cal. 535.

Journals.

SEC. 11. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

Members privileged from arrest.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Vacancies.

SEC. 13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

Meetings to be open.

SEC. 14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

Adjournment.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Bills may originate in either house.

SEC. 16. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended in the other.

Laws, how passed.

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

2 Cal. 172; 6 Cal. 660; 8 Cal. 412; 9 Cal. 522; 39 Cal. 191, 198, 541.

Impeachment.

SEC. 18. The Assembly shall have the sole power of impeachment and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or

affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

34 Cal. 535; 45 Cal. 218; 118 Cal. 483.

Officers subject to impeachment.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors in office in such a manner as the Legislature may provide.

2 Cal. 211; 22 Cal. 314; 45 Cal. 218; 118 Cal. 483.

Members not eligible to certain offices.

SEC. 20. No Senator or Member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

22 Cal. 314.

Certain officials not eligible to office under State Government.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be elegible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers and postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

10 Cal. 43; 15 Cal. 119; 20 Cal. 143; 22 Cal. 314; 52 Cal. 39.

Embezzlers not eligible to office.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust or profit under this State;

and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

Money, how appropriated; how drawn.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

36 Cal. 621; 106 Cal. 116.

Compensation of members of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected.

9 Cal. 347; 132 Cal. 219, 220; 134 Cal. 296, 297.

Every act to embrace but one object—Amending acts.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be reënacted and published at length.

2 Cal. 299; 6 Cal. 383; 9 Cal. 522; 10 Cal. 316; 36 Cal. 622; 144 Cal. 387.

Divorces not granted by Legislature.

SEC. 26. No divorce shall be granted by the Legislature.

Lotteries prohibited.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

Census basis of representation in Legislature.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the

census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both houses of the Legislature.

Number of Senators and Members of Assembly.

SEC. 29. The number of Senators and Members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, to be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of Members of Assembly shall not be less than twenty-four nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of Members of Assembly shall never be less than thirty nor more than eighty.

Congressional, senatorial or assembly districts, formation of.

SEC. 30. When a congressional, senatorial or assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a congressional, senatorial or assembly district, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many congressional, senatorial or assembly districts as such county may by apportionment be entitled to. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 30. When a congressional, senatorial or assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district; and no county shall be divided, in forming a congressional, senatorial or assembly district.

Corporations, how formed.

SEC. 31. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed.

5 Cal. 46; 22 Cal. 423; 37 Cal. 379, 540; 48 Cal. 509, 513, 515, 516, 520, 522, 524, 527, 528, 530, 531, 533, 534; 52 Cal. 142; 54 Cal. 95; 61 Cal. 5, 42; 77 Cal. 371, 379; 98 Cal. 53; 109 Cal. 580; 111 Cal. 66; 119 Cal. 341.

Corporations, dues from.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

24 Cal. 538; 35 Cal. 166; 62 Cal. 461; 72 Cal. 468, 469, 470, 471; 111 Cal. 62, 63, 67.

Corporations, what they include.

SEC. 33. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

111 Cal. 62.

Banking corporations.

SEC. 34. The Legislature shall have no power to pass any act granting any charter for banking purposes, but associations may be formed, under general laws, for the deposit of gold and silver, but no such association shall make, issue or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

52 Cal. 198; 105 Cal. 377, 378.

Not to create paper to circulate as money.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company or corporation from exercising the privilege of banking or creating paper to circulate as money.

105 Cal. 377, 378.

Liability of stockholders.

SEC. 36. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

24 Cal. 538; 35 Cal. 166; 62 Cal. 461; 111 Cal. 62, 63, 64, 65, 67; 119 Cal. 340.

Municipal corporations, formation of.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money,

contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

31 Cal. 252, 253; 34 Cal. 523; 47 Cal. 657; 48 Cal. 318; 51 Cal. 24, 29, 31, 38, 41; 52 Cal. 143, 144; 128 Cal. 593.

Elections by the Legislature.

SEC. 38. In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the journal.

Term of office of certain officers.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments. [*New section; ratified September 3, 1862.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

Executive power vested in the Governor.

SECTION 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.

5 Cal. 21.

Election and term of office of Governor.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for Members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election; and until his successor is elected and qualified. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for Members of Assembly, and shall hold his office two years from the time of his installation, and until his successor shall be qualified.

10 Cal. 44; 26 Cal. 253; 62 Cal. 569.

Qualifications of Governor.

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

Election of Governor, how made known.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

34 Cal. 536.

Governor to be commander-in-chief.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

Governor to transact executive business.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Governor to see that laws are executed.

SEC. 7. He shall see that the laws are faithfully executed.

Governor to fill vacancies.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

1 Cal. 535; 2 Cal. 203; 3 Cal. 505; 6 Cal. 290; 7 Cal. 521, 523; 8 Cal. 12; 20 Cal. 507; 22 Cal. 314; 34 Cal. 541; 37 Cal. 617, 641; 52 Cal. 167.

Governor may call extra session of Legislature.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

Governor's message.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Governor may adjourn Legislature.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

34 Cal. 536.

Officer of the United States not to act as Governor.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

22 Cal. 314.

Pardoning power vested in the Governor.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

34 Cal. 536; 43 Cal. 441.

Governor to keep Great Seal.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially and shall be called "The Great Seal of the State of California."

Form of commissions.

SEC. 15. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Lieutenant-Governor, qualifications and duties.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

2 Cal. 223; 10 Cal. 44; 26 Cal. 253; 34 Cal. 536; 62 Cal. 569.

Lieutenant-Governor may become Governor, when.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of all the military force of the State.

10 Cal. 44; 62 Cal. 569.

State executive officers.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and a Surveyor-General shall be elected at the same time and places and in the same manner as the Governor

and Lieutenant-Governor, and whose term of office shall be the same as the Governor. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and Surveyor-General shall be chosen in the manner provided in this Constitution; and the term of office and eligibility of each shall be the same as are prescribed for the Governor and Lieutenant-Governor.

15 Cal. 62.

Secretary of State—Duties.

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article five, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 19. The Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall keep a fair record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law.

Certain State officers, how first chosen.

SEC. 20. The Controller, Treasurer, Attorney-General and Surveyor-General shall be chosen by joint vote of the two houses of the Legislature at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor.

15 Cal. 62; 26 Cal. 253.

Compensation of executive officers.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not

be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

9 Cal. 347; 47 Cal. 366.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Judicial power—How vested.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts and in Justices of the Peace, and in such Recorders' and other inferior courts as the Legislature may establish in any incorporated city or town. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts and in Justices of the Peace. The Legislature may also establish such municipal and other inferior courts as may be deemed necessary.

1 Cal. 145, 380; 5 Cal. 20; 11 Cal. 85; 12 Cal. 387; 21 Cal. 417; 22 Cal. 478; 34 Cal. 523, 532; 39 Cal. 517; 41 Cal. 131; 48 Cal. 74; 50 Cal. 407; 52 Cal. 223; 58 Cal. 417.

Supreme Court—How constituted.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.

2 Cal. 202; 5 Cal. 104.

Justices of Supreme Court, election of.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction.

The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one justice shall go out of office every two years. The justice having the shortest term to serve shall be the Chief Justice. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 3. The Justices of the Supreme Court shall be elected at the general election, by the qualified electors of the State, and shall hold their office for the term of six years from the first day of January next after their election; *provided*, that the Legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices of the Supreme Court, by joint vote of both houses, and so classify them that one shall go out of office every two years. After the first election, the senior justice in commission shall be the Chief Justice.

2 Cal. 202; 8 Cal. 16; 10 Cal. 46.

Jurisdiction of Supreme Court.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy amounts to three hundred dollars; also in all cases arising in the probate courts; and also in all criminal cases amounting to felony, on questions of law alone. The court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court or any County Court in the State, or before any judge of said courts. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases when the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll, or impost, or municipal fine is in question, and in all criminal cases amounting to felony on questions of law alone. And the said court, and each of the justices thereof, as well as all District and County Judges, shall have power to issue writs of

habeas corpus at the instance of any person held in actual custody. They shall also have power to issue all other writs and process necessary to the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.

1 Cal. 87, 91, 145; 3 Cal. 248, 389; 9 Cal. 89; 10 Cal. 46, 253; 13 Cal. 30; 25 Cal. 28, 95; 27 Cal. 107; 30 Cal. 101; 31 Cal. 144; 34 Cal. 33; 40 Cal. 482; 42 Cal. 42, 56; 49 Cal. 140; 51 Cal. 318; 52 Cal. 222; 53 Cal. 291; 54 Cal. 371, 372, 373; 55 Cal. 191; 60 Cal. 654, 655, 656, 664; 67 Cal. 213; 81 Cal. 464, 468.

Judicial districts, division of the State into.

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen judicial districts, subject to such alteration, from time to time, by a two-thirds vote of all the members elected to both houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district at the special judicial elections to be held as provided for the election of Justices of the Supreme Court, by section three of this article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 5. The State shall be divided by the first Legislature into a convenient number of districts, subject to such alteration from time to time as the public good may require, for each of which a District Judge shall be appointed by the joint vote of the Legislature, at its first meeting, who shall hold his office for two years from the first day of January next after his election; after which, said judges shall be elected by the qualified electors of their respective districts, at the general election, and shall hold their office for the term of six years.

1 Cal. 381; 3 Cal. 504; 11 Cal. 85; 12 Cal. 387; 13 Cal. 477; 29 Cal. 485.

Districts Courts, jurisdiction of.

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax,

impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody, in their respective districts. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 6. The District Courts shall have original jurisdiction, in law and equity, in all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest. In all criminal cases not otherwise provided for, and in all issues of fact joined in the Probate Courts, their jurisdiction shall be unlimited.

3 Cal. 389; 4 Cal. 342; 5 Cal. 95, 230; 9 Cal. 87; 10 Cal. 253; 24 Cal. 65; 26 Cal. 383; 28 Cal. 121; 30 Cal. 575; 31 Cal. 144, 339; 34 Cal. 688; 36 Cal. 28; 42 Cal. 56; 51 Cal. 501; 52 Cal. 491, 631; 54 Cal. 288; 55 Cal. 266; 58 Cal. 400, 414, 505; 64 Cal. 288, 607; 77 Cal. 375; 79 Cal. 484; 139 Cal. 477.

County Courts.

SEC. 7. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said courts shall also have power to issue naturalization papers. In the City and County of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 7. The Legislature shall provide for the election, by the people, of a Clerk of the Supreme Court, and County Clerks, District Attorneys, Sheriffs, Coroners and other necessary officers; and shall fix by law their duties and compensation. County Clerks shall be ex officio clerks of the District Courts in and for their respective counties.

16 Cal. 442; 30 Cal. 683; 40 Cal. 654; 55 Cal. 266.

County Court, jurisdiction of.

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in courts held by Justices of the Peace and Recorders, and in such inferior courts as may be established in pursuance of section one of this article, in their respective counties. The County Judges shall also hold, in their several counties, Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 8. There shall be elected in each of the organized counties of this State one County Judge, who shall hold his office for four years. He shall hold the County Court and perform the duties of Surrogate or Probate Judge. The County Judge, with two Justices of the Peace, to be designated according to law, shall hold courts of sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as shall be required by law.

5 Cal. 22, 104; 6 Cal. 89; 9 Cal. 87; 10 Cal. 403; 20 Cal. 44; 28 Cal. 119; 30 Cal. 575; 34 Cal. 689; 36 Cal. 27; 37 Cal. 161; 38 Cal. 157; 39 Cal. 99; 41 Cal. 131; 42 Cal. 56; 44 Cal. 125; 45 Cal. 217, 679; 48 Cal. 72; 51 Cal. 433; 52 Cal. 223; 53 Cal. 413; 58 Cal. 402, 417; 108 Cal. 337, 338; 4 Cal. App. 119.

Justices of the Peace, number and powers—Courts of record.

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 9. The County Courts shall have such jurisdiction, in cases arising in Justices' Courts, and in

special cases, as the Legislature may prescribe, but shall have no original civil jurisdiction, except in such special cases.

3 Cal. 389; 5 Cal. 279; 6 Cal. 66; 9 Cal. 88; 15 Cal. 92; 19 Cal. 572; 24 Cal. 66, 452; 28 Cal. 119; 42 Cal. 67; 47 Cal. 8; 53 Cal. 413, 414.

Recorder's or other municipal courts, jurisdiction of.

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal court which may be established in pursuance of section one of this article, and shall fix by law the powers, duties and responsibilities of the judges thereof. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 10. The times and places of holding the terms of the Supreme Court, and the general and special terms of the District Courts within the several districts, shall be provided for by law.

8 Cal. 382.

Clerk of the Supreme Court—County officers—Court Commissioners.

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio clerks of the courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 11. No judicial officer, except a Justice of the Peace, shall receive to his own use, any fees or perquisites of office.

32 Cal. 299; 43 Cal. 435, 436.

Terms of courts of record.

SEC. 12. The times and places of holding the terms of the several courts of record shall be provided for by law. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 12. The Legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.

Fees or perquisites not allowed.

SEC. 13. No judicial officer, except Justices of the Peace, Recorders and Commissioners shall receive to his own use any fees or perquisites of office. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 13. Tribunals for conciliation may be established with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

Supreme Court, publication of opinions of.

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 14. The Legislature shall determine the number of Justices of the Peace to be elected in each county, city, town, and incorporated village of the State, and fix by law their powers, duties and responsibilities. It shall also determine in what cases appeals may be made from Justices' Courts to the County Court.

5 Cal. 232; 9 Cal. 87.

Justices and Judges, compensation of.

SEC. 15. The Justices of the Supreme Court, District Judges and County Judges shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the county treasury of their respective counties. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 15. The Justices of the Supreme Court and Judges of the District Courts shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected. The county judges shall also severally, at stated times, receive for their services a compensation to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected.

2 Cal. 203; 9 Cal. 346; 12 Cal. 392.

Certain Justices and Judges not eligible to other than judicial office—When.

SEC. 16. The Justices of the Supreme Court and the District Judges and the County Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 16. The Justices of the Supreme Court and District Judges shall be ineligible to any other office during the term for which they shall have been elected.

12 Cal. 392; 30 Cal. 163; 38 Cal. 395.

Charge to juries.

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law. [*Amendment ratified September 3, 1862.*]

[The original section was in identical words.]

27 Cal. 513; 49 Cal. 181; 55 Cal. 238; 104 Cal. 486; 129 Cal. 499, 500, 501; 133 Cal. 398.

Style of process.

SEC. 18. The style of all process shall be: "The people of the State of California," and all prosecutions shall be conducted in their name and by their authority. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SEC. 18. The style of all process shall be: "The people of the State of California." All the prosecutions shall be conducted in the name and by the authority of the same.

59 Cal. 191; 104 Cal. 486.

Effect of amendments of 1862.

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article six, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several courts be changed thereby, until the election and qualification of the several officers provided for in said amendments. [*New section; ratified September 3, 1862.*]

21 Cal. 416; 104 Cal. 486.

ARTICLE VII.

MILITIA.

Organization of.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Officers, election of.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

Governor's power to call forth.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE VIII.

STATE INDEBTEDNESS.

Liability exceeding $300,000, how created.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to

the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

6 Cal. 500; 7 Cal. 66; 13 Cal. 182; 15 Cal. 454; 16 Cal. 253; 23 Cal. 174; 27 Cal. 206; 102 Cal. 293; 112 Cal. 167, 169; 133 Cal. 600.

ARTICLE IX.

EDUCATION.

Superintendent of Public Instruction.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. [*Amendment ratified September 3, 1862.*]

[*Original Section.*] SECTION 1. The Legislature shall provide for the election, by the people of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

Encouragement of education—State school fund.

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

37 Cal. 244.

Common schools, system of.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

48 Cal. 50.

State University.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

123 Cal. 616.

ARTICLE X.

AMENDING AND REVISING THE CONSTITUTION.

Amendments, how made.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature shall prescribe; and if the

people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

Revision—Convention for.

SEC. 2. And if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such convention shall be submitted to the people, at a special election to be provided for by law, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed the words "For the New Constitution" or "Against the New Constitution." The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California. [*Amendment ratified November 4, 1856.*]

[*Original Section.*] SEC. 2. And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature.

26 Cal. 186.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

Capital of the State—How changed.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided, however*, that two thirds of all the members elected to each house of the Legislature shall concur in the passage of such law.

5 Cal. 32; 50 Cal. 572.

Disqualification and disfranchisement for dueling.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

Oath of office.

SEC. 3. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ————————, according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification for any office or public trust.

17 Cal. 20; 22 Cal. 307; 24 Cal. 243.

County and township government.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

33 Cal. 494; 34 Cal. 532; 47 Cal. 656; 48 Cal. 318; 50 Cal. 564; 58 Cal. 61; 121 Cal. 551.

County Boards of Supervisors.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county, and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

5 Cal. 22; 33 Cal. 404; 39 Cal. 9; 47 Cal. 656; 52 Cal. 136; 53 Cal. 748.

Officers, election or appointment of.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

8 Cal. 16; 22 Cal. 314; 34 Cal. 541; 45 Cal. 558.

Term of offices when not fixed by Constitution.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years.

6 Cal. 289; 7 Cal. 102; 22 Cal. 314; 55 Cal. 524; 79 Cal. 113; 128 Cal. 604; 136 Cal. 581; 138 Cal. 16; 1 Cal. App. 7.

Fiscal year.

SEC. 8. The fiscal year shall commence on the first day of July.

23 Cal. 182; 43 Cal. 338.

County and town officers, how supported.

SEC. 9. Each county, town, city and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

34 Cal. 533; 47 Cal. 657; 51 Cal. 29.

Credit of State not to be loaned.

SEC. 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

27 Cal. 207.

Suits against the State.

SEC. 11. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

Marriage contracts.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

5 Cal. App. 648.

Taxation to be equal.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, but assessors and collectors of town, county and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated.

1 Cal. 252; 2 Cal. 592; 4 Cal. 50; 12 Cal. 83; 13 Cal. 350; 14 Cal. 16; 22 Cal. 369; 29 Cal. 451; 30 Cal. 683; 34 Cal. 475, 657; 37 Cal. 246; 40 Cal. 513; 41 Cal. 354; 43 Cal. 335, 336, 434, 435, 595; 44 Cal. 326; 46 Cal. 492, 506, 508, 512, 556; 47 Cal. 92, 234, 648, 651, 656, 658, 660, 661, 662; 51 Cal. 38, 244, 246, 248, 251, 253, 254, 501, 614; 52 Cal. 81, 601; 56 Cal. 637; 58 Cal. 61; 89 Cal. 114.

Separate property of husband and wife.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

43 Cal. 337; 153 Cal. 362.

Homesteads, protection of.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

14 Cal. 474; 24 Cal. 640; 62 Cal. 138.

Perpetuities.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

58 Cal. 472.

Disqualification for bribery.

SEC. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Purity in office-holding and in elections.

SEC. 18. Laws shall be made to exclude from office, serving on juries and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

2 Cal. 211; 22 Cal. 316.

Residence, when absence does not affect.

SEC. 19. Absence from this State on business of the State or of the United States shall not affect the question of residence of any person.

26 Cal. 211; 43 Cal. 338.

Election by plurality.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

Laws published in English and Spanish.

SEC. 21. All laws, decrees, regulations and provisions which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

Boundary of State.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, all the islands, harbors and bays along and adjacent to the coast.

SCHEDULE.

Present laws in force.

SECTION 1. All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

66 Cal. 107.

Transfer of causes.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect to courts created by the same.

66 Cal. 109.

Present officers, how succeeded.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties

of the several officers be changed until the entering into office of the new officers to be appointed under this Constitution.

Residence of officers elected.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

Who entitled to vote.

SEC. 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

Proclamation of election, and returns thereon.

SEC. 6. This Constitution shall be submitted to the people for their ratification or rejection at the general election to be held on Tuesday, the thirteenth day of November, next. The executive of the existing government of California is hereby requested to issue a proclamation to the people, directing the prefects of the several districts, or, in case of vacancy, the sub-prefects or senior judge of first instance, to cause such election to be held on the day aforesaid in their respective districts. The election shall be conducted in the manner which was prescribed for the election of delegates to this convention, except that the prefects, sub-prefects, or senior judge of first instance ordering such election in each district shall have power to designate any additional number of places for opening the polls, and that in every place of holding the election a regular poll list shall be kept by the judges and inspectors of election. It shall also be the duty of these judges and inspectors of election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These judges and inspectors shall also receive the votes for the several officers to be voted for at the said election, as herein provided. At the close of the election the judges and inspectors

shall carefully count each ballot, and forthwith make duplicate returns thereof to the prefect, sub-prefect, or senior judge of first instance, as the case may be, of their respective districts; and said prefect, sub-prefect, or senior judge of first instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the prefect, judge of first instance, and an alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

Governor to forward copy to President.

SEC. 7. If this Constitution shall be ratified by the people of California, the executive of the existing government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

Election of officers.

SEC. 8. At the general election aforesaid, viz., the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, Members of the Legislature, and also two Members of Congress.

Legislature, when to convene.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the Senate shall elect a president pro tempore, until the Lieutenant-Governor shall be installed into office.

Election returns—Secretary of State to lay before Legislature.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each house a copy of the abstract made by the board of canvassers, and, if called for, the original returns of election, in order that each house may judge of the correctness of the report of said board of canvassers.

Legislature, election of officers by.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and, within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

Request for admission of State into Union.

SEC. 12. The Senators and Representatives of the Congress of the United States elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

Installation of officers.

SEC. 13. All officers of this State, other than Members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

Legislative districts.

SEC. 14. Until the Legislature shall divide the State into counties and senatorial and assembly districts, as directed by this Constitution, the following shall be the apportionment of the two houses of the Legislature, viz: The districts of San Diego and Los Angeles shall jointly elect two Senators; the districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the district of Monterey, one Senator; the district of San Jose, one Senator; the district of San Francisco, two Senators; the district of Sonoma, one Senator; the district of Sacramento, four Senators; and the district of San Joaquin, four Senators. And the district of San Diego shall elect one

Member of the Assembly; the district of Los Angeles, two Members of Assembly; the district of Santa Barbara, two Members of Assembly; the district of San Luis Obispo, one Member of Assembly; the district of Monterey, two Members of Assembly; the district of San Jose, three Members of Assembly; the district of San Francisco, five Members of Assembly; the district of Sonoma, two Members of Assembly; the district of Sacramento, nine Members of Assembly; and the district of San Joaquin, nine Members of Assembly.

Salaries.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of Members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles' travel by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

First Legislature exempt from certain limitation of powers.

SEC. 16. The limitation of the powers of the Legislature contained in Article VIII of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State government.

R. SEMPLE, President.

WM. G. MARCY, Secretary.

Members.	District represented.
J. D. HOPPE	San Jose.
JOSEPH ARAM	San Jose.
ELAM BROWN	San Jose.
JACOB R. SNYDER	Sacramento.
WINFIELD S. SHERWOOD	Sacramento.
H. W. HALLECK	Monterey.
L. W. HASTINGS	Sacramento.
J. A. SUTTER	Sacramento.
JOHN McDOUGAL	Sacramento.

Members.	District represented.
E. O. CROSBY	Sacramento.
M. M. McCARVER	Sacramento.
JULIAN HANKS	San Jose.
KIMBALL H. DIMMICK	San Jose.
THOMAS O. LARKIN	Monterey.
LEWIS DENT	Monterey.
RODMAN M. PRICE	San Francisco.
CH. T. BOTTS	Monterey.
M. G. VALLEJO	Sonoma.
MANL. DOMINGUEZ	Angeles.
ANTONIO M. PICO	Pueblo de San Jose.
JACINTO RODRIGUEZ	Monterey.
HENRY A. TEFFT	San Luis Obispo.
PEDRO SANSEVAINE	San Jose.
HUGO REID	Angeles.
STEPHEN C. FOSTER	Angeles.
J. McH. HOLLINGSWORTH	San Joaquin.
JOSEPH HOBSON	San Francisco.
PACIFICUS ORD	Monterey.
O. M. WOZENCRAFT	San Joaquin.
J. P. WALKER	Sonoma.
W. E. SHANNON	Sacramento.
ABEL STEARNS	Angeles.
THOS. L. VERMEULE	San Joaquin.
BENJ. S. LIPPINCOTT	San Joaquin.
MYRON NORTON	San Francisco.
W. M. STEUART	San Francisco.
B. F. MOORE	San Joaquin.
A. J. ELLIS	San Francisco.
EDW. GILBERT	San Francisco.
J. M. JONES	San Joaquin.
W. M. GWIN	San Francisco.
JOSE ANTO. CARRILLO	Angeles.
FRANCIS J. LIPPITT	San Francisco.
HENRY HILL	San Diego.
MIGUEL DE PEDRORENA	San Diego.
R. SEMPLE	Sonoma.
P. N. DE LA GUERRA	Santa Barbara.
J. M. COVARRUBIAS	San Luis Obispo.

Immediately after the adjournment of the Constitutional Convention, the members proceeded in a body to General Riley's house, where General Sutter, in behalf of the Convention, addressed General Riley as follows:

"GENERAL: I have been appointed by the delegates elected by the people of California to form a Constitution, to address you in their names and in behalf of the whole people of California, and express the thanks of the Convention for the aid and coöperation they have received from you in the discharge of the responsible duty of creating a State Government. And, sir, the Convention, as you will perceive from the official records, duly appreciate the great and important services you have rendered to our common country, and especially to the people of California, and entertains the confident belief that you will receive from the whole people of the United States, when you retire from your official duties here, that verdict so grateful to the heart of the patriot, 'Well done, thou good and faithful servant.'"

General Riley replied as follows:

"GENTLEMEN: I never made a speech in my life. I am a soldier—but I can *feel;* and I do feel deeply the honor you have this day conferred upon me. Gentlemen, this is a prouder day to me than that on which my soldiers cheered me on the field of Contreras. I thank you all from my heart. I am satisfied now that the people have done right in selecting delegates to form a Constitution. They have chosen a body of men upon whom our country may look with pride; you have formed a Constitution worthy of California. And I have no fear for California while her people choose their representatives so wisely. Gentlemen, I congratulate you upon the successful conclusion of your arduous labors; and I wish you all happiness and prosperity."

[Here General Riley was interrupted by three cheers from the members, "as Governor of California," and three more "as a gallant soldier, and worthy of his country's glory."]

He then concluded in the following words:

"I have but one thing to add, gentlemen, and that is, that my success in the affairs of California is mainly owing to the efficient aid rendered me by Captain Halleck, the Secretary of State. He has stood by me in all emergencies; to him I have always appealed when at a loss myself, and he has never failed me."

CONSTITUTION OF THE STATE OF CALIFORNIA—1879.

Under and by authority of Section 2 of Article X, Constitution of 1849, the Legislature at its session of 1876 submitted to a vote of the people of the State the proposition of calling a Convention to frame a new Constitution (Stats. of Cal. 1875-6, p. 791). This proposition was adopted by the people at the subsequent general State election, and in pursuance of such action the Legislature which followed passed an enabling Act entitled "An Act to provide for a Convention to frame a new Constitution for the State of California," which Act was approved March 30, 1878 (Stats. of Cal. 1877-8, p. 759). The Act called for an election to be held on Wednesday, June 19, 1878, for the purpose of electing delegates to a Constitutional Convention, to be composed of one hundred and fifty-two delegates, thirty-two to be elected by the State at large, eight residents of each of the four Congressional Districts then existing, and the remaining one hundred and twenty, a number equivalent to the combined membership of the two branches of the State Legislature, were apportioned among the various counties by the Act itself.

The Convention thus constituted met in the Assembly Chamber of the State Capitol at Sacramento on Saturday, September 28, 1878, and organized by the election of Joseph P. Hoge, President; Isaac S. Belcher, President pro tem.; Joseph Asbury Johnson, Secretary; George A. Thornton and Edwin F. Smith, Assistant Secretaries; E. L. Crawford, Minute Clerk; George E. McStay, Journal Clerk; T. J. Sherwood, Sergeant-at-Arms; Benjamin Chambers, Assistant Sergeant-at-Arms. Edwin F. Smith was elected Secretary January 17, 1879, vice J. A. Johnson, resigned, and on January 24, 1879, J. M. Wright was elected to succeed E. F. Smith as Assistant Secretary.

The Convention adjourned on Monday, March 3, 1879, and the

Constitution thus framed was ratified by vote of the people on Wednesday, May 7, 1879.

ABBREVIATIONS.

Cal.: California Reports.
Cal. App.: California Appellate Reports.
Cal. Dec.: California Decisions.
Cal. App. Dec.: California Appellate Decisions.

NOTE.—References in brackets to the Constitution of 1849 indicate parallel or analogous sections which occur therein.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

Purpose of the Constitution.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

[Constitution of 1849.]

ARTICLE I.

DECLARATION OF RIGHTS.

Inalienable rights of men.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

[Constitution of 1849, Art. I, § 1.]

60 Cal. 192, 197; 62 Cal. 539; 65 Cal. 35; 80 Cal. 213; 85 Cal. 311; 112 Cal. 471; 128 Cal. 434; 133 Cal. 354, 377; 136 Cal. 125; 147 Cal. 650, 763; 148 Cal. 127; 149 Cal. 400; 1 Cal. App. 699; 5 Cal. App. 759; 6 Cal. App. 236; XXXVI Cal. Dec. 258.

Government for and by the people.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the

people, and they have the right to alter or reform the same whenever the public good may require it.

[Constitution of 1849, Art. I, § 2.]

67 Cal. 360; 71 Cal. 634; 91 Cal. 249; 92 Cal. 316; 113 Cal. 646, 648; 118 Cal. 408; 138 Cal. 381; 139 Cal. 541.

California a part of the Union.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

105 Cal. 606; 144 Cal. 79.

Freedom of religion.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

[Constitution of 1849, Art. I, § 4.]

55 Cal. 553; 56 Cal. 638; 59 Cal. 6, 13, 20; 60 Cal. 192, 195, 201, 204; 71 Cal. 550; 79 Cal. 176.

Habeas corpus.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

[Constitution of 1849, Art. I, § 5.]

126 Cal. 616; 133 Cal. 352.

Bail—Witnesses.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

[Constitution of 1849, Art. I, §§ 6 and 7.]

53 Cal. 411; 54 Cal. 77, 103; 57 Cal. 94; 59 Cal. 417, 675; 67 Cal. 257; 70 Cal. 2; 82 Cal. 183; 83 Cal. 389; 92 Cal. 189; 1 Cal. App. 199; VII Cal. App. Dec. 68, 133.

Jury trial.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

[Constitution of 1849, Art. I, § 3.]

64 Cal. 266; 70 Cal. 448; 85 Cal. 642; 87 Cal. 354, 356; 88 Cal. 124; 92 Cal. 271; 96 Cal. 136; 104 Cal. 467; 122 Cal. 139; 125 Cal. 504; 127 Cal. 201, 202; 129 Cal. 552; 136 Cal. 530; 139 Cal. 589; 5 Cal. App. 623; 6 Cal. App. 770; VII Cal. App. Dec. 508.

Indictments—Information—Grand jury.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

56 Cal. 233, 638; 57 Cal. 565; 59 Cal. 245; 60 Cal. 104; 64 Cal. 178, 213; 65 Cal. 77, 108, 646; 66 Cal. 665; 67 Cal. 232; 68 Cal. 579; 69 Cal. 108, 546; 78 Cal. 568; 85 Cal. 88; 91 Cal. 645; 92 Cal. 271; 105 Cal. 508, 644; 108 Cal. 663; 109 Cal. 449; 111 Cal. 612; 115 Cal. 53; 128 Cal. 96; 142 Cal. 598; 152 Cal. 73; 5 Cal. App. 465, 468; VII Cal. App. Dec. 285, 736.

Freedom of speech—Libel suits.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or

information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

[Constitution of 1849, Art. I, § 9.]

72 Cal. 466; 73 Cal. 123; 112 Cal. 97, 100; 122 Cal. 93; 139 Cal. 121; 1 Cal. App. 698.

Freedom of assembling and petitioning.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

[Constitution of 1849, Art. I, § 10.]

66 Cal. 55; 129 Cal. 343; 146 Cal. 624.

Laws to be uniform.

SEC. 11. All laws of a general nature shall have a uniform operation.

[Constitution of 1849, Art. I, § 11.]

56 Cal. 638; 58 Cal. 61; 59 Cal. 12; 60 Cal. 189; 65 Cal. 35; 68 Cal. 145; 69 Cal. 151; 71 Cal. 630, 631; 73 Cal. 582; 76 Cal. 442; 84 Cal. 76; 89 Cal. 472, 523; 90 Cal. 558; 91 Cal. 249; 94 Cal. 603, 620, 624, 632; 104 Cal. 351; 105 Cal. 616; 109 Cal. 334, 497; 110 Cal. 652; 111 Cal. 371, 372, 569; 113 Cal. 646; 114 Cal. 146, 334; 115 Cal. 550; 118 Cal. 305, 408; 119 Cal. 241; 120 Cal. 650; 122 Cal. 147; 124 Cal. 347; 126 Cal. 37; 127 Cal. 7; 129 Cal. 343; 134 Cal. 53, 55; 136 Cal. 528; 137 Cal. 481; 138 Cal. 381; 140 Cal. 487; 143 Cal. 414; 144 Cal. 269; 147 Cal. 334; 148 Cal. 265, 748; 149 Cal. 400; 151 Cal. 334; 153 Cal. 61, 62; 1 Cal. App. 199; 6 Cal. App. 240, 241.

Military subordinate to civil power.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

[Constitution of 1849, Art. I, §§ 12 and 13.]

Criminal trials—Rights of the accused.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

[Constitution of 1849, Art. I, portion of § 8.]

54 Cal. 531; 55 Cal. 296; 62 Cal. 491; 63 Cal. 293; 65 Cal. 223; 66 Cal. 102, 603; 68 Cal. 630, 633; 69 Cal. 301, 372; 70 Cal. 18; 73 Cal. 582; 74 Cal. 22; 76 Cal. 344; 77 Cal. 177; 79 Cal. 181, 429; 82 Cal. 459, 461, 462, 463, 465, 466, 468; 85 Cal. 516; 91 Cal. 30; 92 Cal. 486; 99 Cal. 231, 361; 100 Cal. 153; 103 Cal. 354; 104 Cal. 527; 105 Cal. 615, 643; 107 Cal. 288; 108 Cal. 324, 607; 113 Cal. 284; 114 Cal. 57; 115 Cal. 61; 116 Cal. 77, 250, 251; 117 Cal. 10; 122 Cal. 126; 127 Cal. 7; 130 Cal. 123; 132 Cal. 501; 133 Cal. 351, 354, 355; 136 Cal. 125, 295; 143 Cal. 698; 144 Cal. 56, 334; 145 Cal. 90; 146 Cal. 315; 150 Cal. 34, 550; 151 Cal. 204; 152 Cal. 617; XXXVI Cal. Dec. 249, 258, 312; 1 Cal. App. 199; 2 Cal. App. 204; 5 Cal. App. 214, 590, 759; 6 Cal. App. 236; 7 Cal. App. 753; VI Cal. App. Dec. 609; VII Cal. App. Dec. 474, 508.

Rights of private property.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury

be waived, as in other civil cases in a court of record, as shall be prescribed by law.

[Constitution of 1849, Art. I, portion of § 8.]

50 Cal. 285, 411; 54 Cal. 324; 59 Cal. 265, 267; 60 Cal. 210; 61 Cal. 91; 64 Cal. 178; 65 Cal. 294; 66 Cal. 501; 67 Cal. 49, 62, 64, 545; 68 Cal. 62, 65; 69 Cal. 206, 265, 301; 73 Cal. 40; 74 Cal. 262; 77 Cal. 29; 78 Cal. 72; 79 Cal. 162, 551; 83 Cal. 569; 86 Cal. 48; 91 Cal. 456; 94 Cal. 492, 608; 95 Cal. 223; 98 Cal. 262, 617, 618; 103 Cal. 470, 616; 106 Cal. 284; 109 Cal. 622; 111 Cal. 563; 112 Cal. 309; 118 Cal. 281, 287, 572, 584; 124 Cal. 643; 125 Cal. 106; 126 Cal. 22, 153; 130 Cal. 495, 634, 636, 637; 133 Cal. 105; 137 Cal. 579, 621, 629; 141 Cal. 49; 142 Cal. 650; 144 Cal. 212; 150 Cal. 175; 151 Cal. 273, 275, 279; 1 Cal. App. 444; 2 Cal. App. 560; 5 Cal. App. 730; XXXVI Cal. Dec. 258.

Imprisonment for debt and for militia fines forbidden.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

[Constitution of 1849, Art. I, § 15.]

67 Cal. 216; 80 Cal. 212; 86 Cal. 71; 134 Cal. 661; 138 Cal. 250.

Bills of attainder—Ex post facto laws—Obligation of contracts.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

[Constitution of 1849, Art. I, § 16.]

72 Cal. 466; 104 Cal. 448; 116 Cal. 523; 146 Cal. 610, 624.

Rights of foreigners.

SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; *provided*, that

such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and provided further*, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [*Amendment adopted November 6, 1894.*]

[*Original Section.*] SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission and inheritance of property as native born citizens.

[Constitution of 1849, Art. I, § 17.]

61 Cal. 358; 65 Cal. 594, 595; 67 Cal. 382, 386; 68 Cal. 50; 70 Cal. 153, 155; 127 Cal. 434, 437.

Slavery prohibited.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

[Constitution of 1849, Art. I, § 18.]

General warrants.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

[Constitution of 1849, Art. I. § 19.]

68 Cal. 288; 73 Cal. 408; 105 Cal. 606, 615; 126 Cal. 238.

Treason.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

[Constitution of 1849, Art. I, § 20.]

68 Cal. 180, 181; 144 Cal. 173.

Special privileges, limitations on.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted

privileges or immunities which, upon the same terms, shall not be granted to all citizens.

60 Cal. 189; 62 Cal. 539; 65 Cal. 35; 69 Cal. 151; 72 Cal. 389; 73 Cal. 371, 375; 83 Cal. 396, 412; 110 Cal. 652; 112 Cal. 471; 114 Cal. 496; 118 Cal. 5; 127 Cal. 7; 129 Cal. 343; 134 Cal. 55, 59; 137 Cal. 481; 143 Cal. 414, 573; 144 Cal. 173; 148 Cal. 265; 149 Cal. 400; 151 Cal. 334; 152 Cal. 233; 6 Cal. App. 237, 240, 241; 36 Cal. Dec. 264; VII Cal. App. Dec. 112.

Constitution mandatory.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

54 Cal. 247; 56 Cal. 654, 655; 57 Cal. 609; 65 Cal. 271; 69 Cal. 485, 492, 502, 512; 83 Cal. 403, 494; 86 Cal. 50; 92 Cal. 316; 94 Cal. 608; 104 Cal. 351; 115 Cal. 548; 128 Cal. 247; 129 Cal. 403; 132 Cal. 219; 134 Cal. 296, 299; 144 Cal. 387; 147 Cal. 582; VII Cal. App. Dec. 443.

Rights retained by the people.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

[Constitution of 1849, Art. I, § 21.]

129 Cal. 347.

Property qualification forbidden.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

92 Cal. 321; 117 Cal. 123; 123 Cal. 25.

ARTICLE II.

RIGHT OF SUFFRAGE.

Who may vote; who may not.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote

ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted November 6, 1894.*]

[*Original Section.*] SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, and no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

[Constitution of 1849, Art. II, §§ 1 and 5.]

78 Cal. 568; 83 Cal. 81; 91 Cal. 467; 92 Cal. 321; 117 Cal. 123; 120 Cal. 374, 377; 127 Cal. 88; 136 Cal. 451; 145 Cal. 341; 146 Cal. 513; 151 Cal. 603; 152 Cal. 231, 232; 7 Cal. App. 413.

Privileges of voters.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

[Constitution of 1849, Art. II, § 2.]

Primary elections.

SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political

parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; and also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. *Provided, however*, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. [*Amendment adopted November 3, 1908.*]

[*Original new Section of 1900.*] SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform. [*New section; adopted November 6, 1900.*]

120 Cal. 379; 146 Cal. 316; 151 Cal. 602, 605; 152 Cal. 434.

Voters not obliged to perform military duty on election day.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger. [Constitution of 1849, Art. II, § 3.]

Residence of voters.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

[Constitution of 1849, Art. II, § 4.]

105 Cal. 462.

Elections to be by ballot or otherwise.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [*Amendment adopted November 3, 1896.*]

[*Original Section.*] SEC. 5. All elections by the people shall be by ballot.

[Constitution of 1849, Art. II, § 6.]

136 Cal. 655; 146 Cal. 316; XXXVI Cal. Dec. 239.

Voting machines.

SEC. 6. The inhibitions of this Constitution to the contrary nothwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose. [*New section; adopted November 4, 1902.*]

ARTICLE III.

DISTRIBUTION OF POWERS.

Three departments of government.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these depart-

ments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

[Constitution of 1849, Art. III, § 1.]

58 Cal. 643, 645; 61 Cal. 323; 68 Cal. 196; 80 Cal. 234; 93 Cal. 414; 101 Cal. 26; 102 Cal. 470; 106 Cal. 422, 423, 424; 123 Cal. 527; 126 Cal. 672; 127 Cal. 159; 129 Cal. 602, 604; 140 Cal. 1, 12; 146 Cal. 606, 607; 148 Cal. 631; 150 Cal. 318; 151 Cal. 43; 1 Cal. App. 67; VII Cal. App. Dec. 227; VIII Cal. App. Dec. 109.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative power.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

[Constitution of 1849, Art. IV, § 1.]

55 Cal. 334; 56 Cal. 100; 61 Cal. 201; 63 Cal. 21; 72 Cal. 466; 79 Cal. 176; 92 Cal. 307; 96 Cal. 291; 119 Cal. 428; 121 Cal. 262; 139 Cal. 28; 145 Cal. 686; 151 Cal. 803; 152 Cal. 236, 237; VII Cal. App. Dec. 443.

Sessions of the Legislature.

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be

allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either house after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof.

[Constitution of 1849, Art. IV, § 2.]

56 Cal. 101; 96 Cal. 291; 114 Cal. 114, 169; 130 Cal. 88; 144 Cal. 173; 146 Cal. 607.

Election of members of the Assembly.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

[Constitution of 1849, Art. IV, § 3.]

55 Cal. 622; 56 Cal. 100; 58 Cal. 560; 96 Cal. 291; 114 Cal. 169.

Election of Senators and qualifications of members of Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

[Constitution of 1849, Art. IV, §§ 4 and 5.]

55 Cal. 622; 56 Cal. 100; 74 Cal. 553; 96 Cal. 264, 291; 119 Cal. 438; 120 Cal. 568.

Number of Senators and members of the Assembly.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected

every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

[Constitution of 1849, Art. IV, § 6.]

65 Cal. 578; 66 Cal. 29; 96 Cal. 291, 296; 119 Cal. 616; 145 Cal. 425.

Senatorial and Assembly districts.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

[Constitution of 1849, Art. I, § 14; Art. IV, §§ 28, 29; Sched. 14.]

58 Cal. 400; 65 Cal. 577, 579, 580; 96 Cal. 290, 291, 293, 296; 117 Cal. 372, 523; 122 Cal. 119; 152 Cal. 235, 236, 237.

Each house to choose its officers and judge of the qualifications of its members.

SEC. 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members.

[Constitution of 1849, Art. IV, § 8.]

82 Cal. 244; VII Cal. App. Dec. 572.

Quorum.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

[Constitution of 1849, Art. IV, § 9.]

82 Cal. 239, 240, 244.

Rules of proceeding, and expulsion of members.

SEC. 9. Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

[Constitution of 1849, Art. IV, § 10.]

111 Cal. 102; 146 Cal. 606, 610.

Journals.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

[Constitution of 1849, Art. IV, § 11.]

69 Cal. 493, 495, 512; 80 Cal. 213.

Members privileged from arrest.

SEC. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

[Constitution of 1849, Art. IV, § 12.]

Vacancies.

SEC. 12. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

[Constitution of 1849, Art. IV, § 13.]

Meetings to be open.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

[Constitution of 1849, Art. IV, § 14.]

Adjournment.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days.

[Constitution of 1849, Art. IV, § 15.]

Laws, how passed.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

[Constitution of 1849, Art. IV, § 16.]

54 Cal. 111, 112; 67 Cal. 630, 631; 69 Cal. 512, 513; 72 Cal. 467; 79 Cal. 173; 80 Cal. 213, 215; 85 Cal. 336, 337, 341, 342; 86 Cal. 50; 100 Cal. 421; 114 Cal. 584; 121 Cal. 262, 267; 145 Cal. 688.

Approval of bills by Governor, and veto power.

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstand-

ing the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again passes both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such

statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

[Constitution of 1849, Art. IV, § 17.]

66 Cal. 634; 69 Cal. 512, 513; 72 Cal. 467; 80 Cal. 213; 83 Cal. 494; 85 Cal. 337, 341; 86 Cal. 50; 93 Cal. 635; 121 Cal. 262, 267; 148 Cal. 77; VII Cal. App. Dec. 227.

Impeachment.

SEC. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

[Constitution of 1849, Art. IV, § 18.]

Officers subject to impeachment.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

[Constitution of 1849, Art. IV, § 19.]

85 Cal. 645; 108 Cal. 662; 118 Cal. 483, 484; 122 Cal. 293, 294; 145 Cal. 37; 147 Cal. 533; XXXVI Cal. Dec. 239.

Members not eligible to certain offices.

SEC. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

[Constitution of 1849, Art. IV, § 20.]

Certain officials not eligible to office under State Government.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

[Constitution of 1849, Art. IV, § 21.]

53 Cal. 662; 61 Cal. 267; 73 Cal. 231, 235; 2 Cal. App. 55; XXXVI Cal. Dec. 239.

Embezzlers not eligible to office.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

[Constitution of 1849, Art. IV, § 22.]

136 Cal. 445; XXXVI Cal. Dec. 239.

Money, how appropriated; how drawn.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county,

city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

[Constitution of 1849, Art. IV, § 23.]

61 Cal. 267; 69 Cal. 74, 77; 71 Cal. 630, 631; 77 Cal. 133, 134; 80 Cal. 221; 84 Cal. 58; 92 Cal. 55; 106 Cal. 116, 119; 114 Cal. 395; 120 Cal. 386; 121 Cal. 19; 123 Cal. 151; 126 Cal. 118; 139 Cal. 400; 144 Cal. 684; 151 Cal. 800; VII Cal. App. Dec. 109.

Compensation of members of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services, the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each, for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the State treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the total expense for officers, employés and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house, at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

[Constitution of 1849, Art. IV, § 24, and Sched. § 15.]

67 Cal. 360; 135 Cal. 515.

Limitation of expense for officers and employees.

SEC. 23*a*. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers,

employés and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed. [*New section; adopted November 3, 1908.*]

Every act to embrace but one subject—Amending acts.

SEC. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reënacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

[Constitution of 1849, Art. IV, § 25, and Art. XI, § 21.]

55 Cal. 492, 493, 494, 496; 56 Cal. 1; 57 Cal. 106, 613; 58 Cal. 565, 624, 635, 638; 59 Cal. 554; 60 Cal. 14, 30; 62 Cal. 601; 65 Cal. 122; 74 Cal. 41, 552; 80 Cal. 270; 84 Cal. 228; 86 Cal. 43; 88 Cal. 534; 92 Cal. 503, 651; 93 Cal. 635; 97 Cal. 604; 100 Cal. 120; 102 Cal. 31, 418; 103 Cal. 78; 109 Cal. 490; 111 Cal. 555; 114 Cal. 149, 150; 117 Cal. 86; 120 Cal. 373; 122 Cal. 79; 125 Cal. 414; 128 Cal. 668; 129 Cal. 570, 606; 130 Cal. 91, 446; 132 Cal. 219; 133 Cal. 76; 134 Cal. 291, 478; 135 Cal. 652; 139 Cal. 463; 140 Cal. 487; 141 Cal. 334, 428; 142 Cal. 13; 143 Cal. 258, 627; 144 Cal. 344, 387; 146 Cal. 650; 150 Cal. 326; 151 Cal. 50; 1 Cal. App. 64, 65; 2 Cal. App. 252; XXXVI Cal. Dec. 169, 311; XXXVII Cal. Dec. 132.

Local and special legislation forbidden.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Subdivision 1—62 Cal. 465; 114 Cal. 334; 120 Cal. 401; 121 Cal. 267.

Second—For the punishment of crimes and misdemeanors.

Subdivision 2—55 Cal. 551; 60 Cal. 81, 189; 62 Cal. 465; 67 Cal. 360, 361; 112 Cal. 471; 120 Cal. 304; 149 Cal. 399; 1 Cal. App. 149, 199.

Third—Regulating the practice of courts of justice.

Subdivision 3—62 Cal. 465; 64 Cal. 465; 72 Cal. 14; 83 Cal. 396, 402, 403, 412; 93 Cal. 424; 100 Cal. 120; 105 Cal. 616; 113 Cal. 512; 117 Cal. 363; 120 Cal. 304; 126 Cal. 230; 127 Cal. 7; 140 Cal. 480; 142 Cal. 195; 150 Cal. 322; 1 Cal. App. 573.

Fourth—Providing for changing the venue in civil or criminal actions.

Subdivision 4—62 Cal. 465.

Fifth—Granting divorces.

[Constitution of 1849, Art. IV, §26.]

Subdivision 5—XXXVI Cal. Dec. 268.

Sixth—Changing the names of persons or places.

Subdivision 6—123 Cal. 527.

Seventh—Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

Subdivision 7—98 Cal. 441; 114 Cal. 146.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Subdivision 9—55 Cal. 622; 62 Cal. 571; 65 Cal. 123; 84 Cal. 76; 94 Cal. 620; 98 Cal. 224; 109 Cal. 335; 111 Cal. 102; 113 Cal. 646; 114 Cal. 410; 118 Cal. 306; 148 Cal. 748.

Tenth—For the assessment or collection of taxes.

Subdivision 10—60 Cal. 28, 31; 83 Cal. 396, 402, 406; 105 Cal. 583; 111 Cal. 564, 569; 119 Cal. 521; 124 Cal. 698; 135 Cal. 518; 137 Cal. 518.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Subdivision 11—55 Cal. 622; 81 Cal. 501; 100 Cal. 425; 111 Cal. 102, 371, 372; 124 Cal. 698; 152 Cal. 231.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Subdivision 13—83 Cal. 402.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Subdivision 14—150 Cal. 566; 151 Cal. 478.

Fifteenth—Refunding money paid into the State treasury.

Subdivision 15—126 Cal. 117.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Subdivision 16—126 Cal. 117.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Subdivision 18—151 Cal. 478.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Subdivision 19—100 Cal. 120; 114 Cal. 496; 118 Cal. 306; 124 Cal. 698; 143 Cal. 414.

Twentieth—Exempting property from taxation.

Subdivision 20—55 Cal. 495; 83 Cal. 402; 137 Cal. 518.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Subdivision 23—67 Cal. 360.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Subdivision 24—83 Cal. 402; 127 Cal. 7; 151 Cal. 50.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Subdivision 25—114 Cal. 496.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Subdivision 27—55 Cal. 402, 490, 494, 495; 104 Cal. 351; 124 Cal. 698; 148 Cal. 384, 389.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

Subdivision 28—62 Cal. 465; 65 Cal. 123, 291; 85 Cal. 413, 414, 416, 417; 95 Cal. 149; 98 Cal. 224; 111 Cal. 102; 113 Cal. 646; 114 Cal. 410; 118 Cal. 305, 306; 124 Cal. 698; 125 Cal. 192; 132 Cal. 221; 152 Cal. 231.

Twenty-ninth—Affecting the fees or salary of any officer.

Subdivision 29—62 Cal. 465; 64 Cal. 164; 65 Cal. 123; 68 Cal. 145, 146; 76 Cal. 445; 85 Cal. 596; 89 Cal. 523; 92 Cal. 606; 103 Cal. 395; 104 Cal. 644, 649; 111 Cal. 569; 113 Cal. 645; 115 Cal. 549; 118 Cal. 306; 126 Cal. 37; 129 Cal. 612; 144 Cal. 269.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

Subdivision 33—55 Cal. 490, 491, 495; 81 Cal. 498; 84 Cal. 76; 91 Cal. 249; 94 Cal. 620; 100 Cal. 120; 109 Cal. 497; 111 Cal. 371, 372, 569; 112 Cal. 471; 114 Cal. 410; 117 Cal. 363; 118 Cal. 306, 404; 119 Cal. 523; 124 Cal. 698; 126 Cal. 230; 127 Cal. 7, 684; 130 Cal. 134; 132 Cal. 221; 140 Cal. 487; 144 Cal. 269; 148 Cal. 148; 149 Cal. 399; 150 Cal. 322; 152 Cal. 231; 1 Cal. App. 573; 6 Cal. App. 240; VII Cal. App. Dec. 111.

[Citations to Sec. 25—General:]

55 Cal. 490, 493, 552, 618; 57 Cal. 613; 58 Cal. 576; 59 Cal. 8; 60 Cal. 32, 189, 191; 61 Cal. 38, 267; 63 Cal. 382; 65 Cal. 123, 290; 67 Cal. 211, 360, 595; 72 Cal. 466; 73 Cal. 77; 81 Cal. 499; 83 Cal. 402, 405, 414; 84 Cal. 229; 85 Cal. 413; 87 Cal. 79; 91 Cal. 249; 93 Cal. 396, 400; 94 Cal. 620, 624; 98 Cal. 224; 103 Cal. 395; 104 Cal. 351, 644; 105 Cal. 616; 109 Cal. 335; 110 Cal. 31; 111 Cal. 102, 105, 569; 112 Cal. 471; 113 Cal. 514, 645; 114 Cal. 334, 410; 120 Cal. 401; 121 Cal. 262, 267; 122 Cal. 148, 556; 123 Cal. 25, 527, 528; 124 Cal. 696, 698; 126 Cal. 117, 122, 123, 230; 127 Cal. 7; 132 Cal. 221; 135 Cal. 471, 518; 137 Cal. 518, 520; 138 Cal.

381; 139 Cal. 541; 140 Cal. 480; 142 Cal. 195; 143 Cal. 414; 144 Cal. 269; 1 Cal. App. 573; XXXVI Cal. Dec. 264, 312.

Fish and game districts.

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; adopted November 4, 1902.*]

Lotteries prohibited.

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction.

[Constitution of 1849, Art. IV, § 27.]

67 Cal. 93; 68 Cal. 289; 87 Cal. 607; 89 Cal. 378; 103 Cal. 247, 328; 104 Cal. 599; 109 Cal. 692; 111 Cal. 372; 119 Cal. 465; 127 Cal. 118; 130 Cal. 326, 331; 146 Cal. 658; 150 Cal. 241.

Congressional districts, formation of.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

[Constitution of 1849, Art. IV, § 30.]

Elections by the Legislature.

SEC. 28. In all elections by the Legislature the members thereof shall vote viva voce, and the vote shall be entered on the journal.

[Constitution of 1849, Art. IV, § 38.]

69 Cal. 512, 513; 80 Cal. 213; 111 Cal. 102.

General appropriation bill, what to contain.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

61 Cal. 267; 64 Cal. 165; 80 Cal. 222; 104 Cal. 644; 115 Cal. 532, 549; 151 Cal. 800.

Support of sectarian schools prohibited.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund

whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

115 Cal. 532, 533.

Public credit to corporations prohibited.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

[Constitution of 1849, Art. XI, § 10.]

57 Cal. 170, 171, 176; 61 Cal. 43; 72 Cal. 473, 474, 475; 73 Cal. 39; 74 Cal. 125; 77 Cal. 371, 475; 80 Cal. 270; 83 Cal. 265; 91 Cal. 651; 92 Cal. 606; 93 Cal. 326, 329; 95 Cal. 150; 97 Cal. 252; 98 Cal. 53; 99 Cal. 21; 104 Cal. 690, 693; 106 Cal. 124; 109 Cal. 380, 580; 112 Cal. 315; 115 Cal. 532, 533; 117 Cal. 176; 118 Cal. 546; 123 Cal. 498; 126 Cal. 118; 138 Cal. 273; 143 Cal. 331; 144 Cal. 692, 694; 149 Cal. 528; 151 Cal. 800; 152 Cal. 735; 153 Cal 225, 228; XXXVI Cal. Dec. 114; 6 Cal. App. 747; VI Cal. App. Dec. 545; VII Cal. App. Dec. 112.

Extra compensation to officers prohibited.

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part; nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

64 Cal. 164; 72 Cal. 462, 465, 471, 473, 474, 475; 74 Cal. 125; 77 Cal. 475; 80 Cal. 270; 91 Cal. 649; 92 Cal. 606; 93 Cal. 326; 104 Cal. 644; 114 Cal. 578, 580, 584; 115 Cal. 532, 533; 121 Cal. 21; 123 Cal. 498; 138 Cal. 275.

Charges by certain corporations, regulation of.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

145 Cal. 633, 634, 635, 636.

Appropriation bills to contain but one item.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

[Constitution of 1849, Art. I, § 22.]

80 Cal. 214, 222; 94 Cal. 435; 105 Cal. 376; 145 Cal. 771.

Punishment for bribery.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the

Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

86 Cal. 543, 550; 146 Cal. 610; 1 Cal. App. 64, 65, 66, 550; XXXVI Cal. Dec. 239.

Establish system of highways.

SEC. 36. The Legislature shall have power to establish a system of state highways or to declare any road a state highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

Executive power vested in the Governor.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

[Constitution of 1849, Art. V, § 1.]

148 Cal. 504; 1 Cal. App. 64.

Election and term of office of Governor.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly,

and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

[Constitution of 1849, Art. V, § 2.]

56 Cal. 101; 62 Cal. 569; 99 Cal. 45; 114 Cal. 169; VII Cal. App. Dec. 439.

Qualifications of Governor.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

[Constitution of 1849, Art. V, § 3.]

Election of Governor, how made known.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

[Constitution of 1849, Art. V, § 4.]

Governor to be commander-in-chief.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

[Constitution of 1849, Art V, § 5.]

55 Cal. 497.

Governor to transact executive business.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

[Constitution of 1849, Art. V, § 6.]

Governor to see that laws are executed.

SEC. 7. He shall see that the laws are faithfully executed.

[Constitution of 1849, Art. V, § 7.]

148 Cal. 504.

Governor to fill vacancies.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

[Constitution of 1849, Art. V, § 8.]

62 Cal. 565, 568; 66 Cal. 655, 656; 67 Cal. 119; 93 Cal. 155, 156; 110 Cal. 453; 114 Cal. 170, 174; 121 Cal. 546; 123 Cal. 309; 127 Cal. 397; 143 Cal. 417; VII Cal. App. Dec. 439.

Governor may call extra session of Legislature.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; and when so convened it shall have no power to legislate on any subject other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

[Constitution of 1849, Art. V, § 9.]

63 Cal. 334; 130 Cal. 89; 146 Cal. 607.

Governor's message.

SEC. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

[Constitution of 1849, Art. V, § 10.]

Governor may adjourn Legislature.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

[Constitution of 1849, Art. V, § 11.]

Officer of the United States not to act as Governor.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

[Constitution of 1849, Art. V. § 12.]

Governor to keep great seal.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

[Constitution of 1849, Art. V, § 14.]

Form of commissions.

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

[Constitution of 1849, Art. V, § 15.]

151 Cal. 240; 6 Cal. App. 262.

Lieutenant-Governor, qualifications and duties.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898.*]

[*Original Section.*] SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

[Constitution of 1849, Art. V, § 16.]

56 Cal. 101; 62 Cal. 569; 114 Cal. 169.

Lieutenant-Governor may become Governor, when.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tem-

pore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1898.*]

[*Original Section.*] SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

[Constitution of 1849, Art. V, § 17.]

62 Cal. 569; VII Cal. App. Dec. 442.

State executive officers.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

[Constitution of 1849, Art. V, § 18.]

56 Cal. 101; 62 Cal. 569; VII Cal. App. Dec. 439; VIII Cal. App. Dec. 52.

Secretary of State—Duties.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

[Constitution of 1849, Art. V, § 19.]

Compensation of executive officers.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars, the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times, during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them, respectively, rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office pro-

vided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

[Constitution of 1849, Art. V, § 21, Sched. 15.]

87 Cal. 396; VIII Cal. App. Dec. 48, 50, 53. (Kingsbury vs. Nye.)

Governor not eligible to United States Senate.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Judicial power—How vested.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city, or town, or city and county.

[Constitution of 1849, Art. VI, § 1.]

54 Cal. 186; 56 Cal. 101; 58 Cal. 417, 560, 575; 62 Cal. 465; 66 Cal. 4; 69 Cal. 99; 71 Cal. 633; 73 Cal. 507; 78 Cal. 557, 560; 81 Cal. 485, 486; 82 Cal. 344; 83 Cal. 112; 85 Cal. 335, 336, 341, 342; 95 Cal. 42; 97 Cal. 216, 217; 114 Cal. 329, 330; 119 Cal. 232; 120 Cal. 401; 121 Cal. 267; 125 Cal. 324; 126 Cal. 410; 140 Cal. 12; 143 Cal. 246; 151 Cal. 468; 153 Cal. 165, 166; 3 Cal. App. 645; 6 Cal. App. 739.

Supreme Court—How constituted.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of

business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the

court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

[Constitution of 1849, Art. VI, § 2.]

63 Cal. 420; 65 Cal. 24; 81 Cal. 460, 469, 476, 484; 82 Cal. 599; 83 Cal. 112, 123, 494; 95 Cal. 43; 148 Cal. 177, 178.

Justices of Supreme Court, election of.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

[Constitution of 1849, Art. VI, § 3.]

56 Cal. 101; 81 Cal. 460; 83 Cal. 112; 99 Cal. 45; 114 Cal. 172.

Jurisdiction of Supreme Court and District Courts of Appeal—Appellate Districts.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in

controversy, amounts to two thousand dollars; also, in such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which

the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the

general State elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment or information in a court of record on questions of law alone. The court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any judge thereof.

[Constitution of 1849, Art. VI, § 4.]

52 Cal. 222; 54 Cal. 103, 354, 361, 364, 365, 370, 371, 372; 55 Cal. 191; 57 Cal. 553; 59 Cal. 554; 60 Cal. 115, 654; 61 Cal. 141; 62 Cal. 41; 64 Cal. 424; 65 Cal. 29, 32, 99, 382, 645; 67 Cal. 187, 189, 205, 211, 213, 214, 219; 68 Cal. 395; 79 Cal. 107, 477, 486; 82 Cal. 162, 426; 83 Cal. 112; 86 Cal. 59; 94 Cal. 353; 95 Cal. 646; 99 Cal. 429; 100 Cal. 120; 102 Cal. 657; 103 Cal. 142; 108 Cal. 663; 109 Cal. 279; 110 Cal. 39; 119 Cal. 438; 120 Cal. 569; 122 Cal. 534; 123 Cal. 509; 124 Cal. 205; 126

Cal. 73; 127 Cal. 334; 132 Cal. 601; 134 Cal. 612; 138 Cal. 429; 142 Cal. 628; 146 Cal. 138; 147 Cal. 265, 347; 148 Cal. 70, 331, 333, 742, 773; 149 Cal. 292, 296, 309, 324, 351, 428, 456, 482, 712; 151 Cal. 30, 31, 203, 518; 152 Cal. 110, 603; XXXVI Cal. Dec. 98, 391; 2 Cal. App. 160, 316, 533, 664, 728; 3 Cal. App. 238, 645, 646; 5 Cal. App. 548, 678; 6 Cal. App. 114; 7 Cal. App. 3, 221, 257, 553, 567, 658; VII Cal. App. Dec. 30, 86, 285, 286, 485, 486.

Jurisdiction of Superior Court.

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

[Constitution of 1849, Art. VI, §§ 6 and 8.]

54 Cal. 186, 364, 365, 370; 58 Cal. 90, 505; 59 Cal. 554; 60 Cal. 103, 152, 307, 427; 61 Cal. 71; 62 Cal. 41; 63

Cal. 95; 64 Cal. 252, 342, 346, 444; 65 Cal. 474, 476, 621, 641; 66 Cal. 204, 636; 67 Cal. 189, 193, 194, 205, 211, 214, 219; 68 Cal. 413, 491; 69 Cal. 544; 71 Cal. 382, 383, 555; 73 Cal. 183; 76 Cal. 182, 184, 185; 77 Cal. 160, 376; 78 Cal. 557, 560; 80 Cal. 41; 82 Cal. 241, 305; 83 Cal. 473, 493; 84 Cal. 120; 86 Cal. 97, 105, 200, 461; 87 Cal. 82, 231; 89 Cal. 128; 92 Cal. 50; 93 Cal. 463; 94 Cal. 355, 397; 98 Cal. 488; 99 Cal. 514; 100 Cal. 15, 120; 103 Cal. 120, 142; 104 Cal. 203, 292, 604; 108 Cal. 222, 338; 109 Cal. 646; 110 Cal. 264; 111 Cal. 103, 105, 498; 112 Cal. 611; 114 Cal. 172; 117 Cal. 381, 611; 119 Cal. 198, 616; 122 Cal. 119; 123 Cal. 695; 125 Cal. 314; 127 Cal. 328, 330; 130 Cal. 98, 139; 132 Cal. 601, 702; 133 Cal. 59; 134 Cal. 319, 588, 612; 136 Cal. 636; 138 Cal. 70, 71, 154; 139 Cal. 477; 140 Cal. 133, 138; 144 Cal. 773; 146 Cal. 10; 147 Cal. 381; 148 Cal. 132, 134; 149 Cal. 793; 150 Cal. 468, 476, 481, 485; 152 Cal. 74, 568; 153 Cal. 598; XXXVI Cal. Dec. 98; 1 Cal. App. 181, 227; 4 Cal. App. 119, 720; 6 Cal. App. 476.

Superior courts—Number—Organization—Terms of office—Vacancies.

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda, there shall be elected two such judges. The term of office of Judges of the

Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

[Constitution of 1849, Art. VI, § 7.]

54 Cal. 288; 56 Cal. 101; 62 Cal. 558; 64 Cal. 287; 71 Cal. 606; 72 Cal. 439; 79 Cal. 484; 86 Cal. 28, 29; 89 Cal. 128; 99 Cal. 44, 514; 104 Cal. 234, 235; 110 Cal. 67; 111 Cal. 103, 105; 122 Cal. 119; 130 Cal. 125; 133 Cal. 455; 135 Cal. 653; 138 Cal. 15; 139 Cal. 477; 146 Cal. 10; 6 Cal. App. 300, 301, 302, 303; VII Cal. App. Dec. 447.

Superior court sessions.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

55 Cal. 266; 133 Cal. 455.

Superior courts—Who may try causes.

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be

tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

58 Cal. 417, 418; 66 Cal. 316; 72 Cal. 439, 440; 97 Cal. 177; 102 Cal. 14; 126 Cal. 620; 130 Cal. 573; 142 Cal. 300, 301; 6 Cal. App. 771, 773, 774.

Leave of absence can not be granted—Legislature may change number of judges.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

[Constitution of 1849, Art. VI, portion of § 5.]

71 Cal. 383, 557; 86 Cal. 29; 104 Cal. 234; 118 Cal. 483; 6 Cal. App. 301, 303, 304.

Removal of judicial officers.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 10. Justices of the Supreme Court and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature, adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made

by virtue of this section, unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journal.

[Constitution of 1849, Art. IV, § 19.]

Justices of the Peace, number and powers.

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

[Constitution of 1849, Art. VI, portion of § 9.]

53 Cal. 414; 55 Cal. 611; 58 Cal. 560, 574; 60 Cal. 103, 152, 427; 65 Cal. 474; 78 Cal. 559; 80 Cal. 40; 90 Cal. 502; 103 Cal. 142; 114 Cal. 331, 333, 334; 121 Cal. 267; 122 Cal. 119, 534; 130 Cal. 96, 98; 133 Cal. 76, 102; 134 Cal. 145; 143 Cal. 246; 151 Cal. 469, 471; 4 Cal. App. 720; 6 Cal. App. 739.

Courts of record.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 12. The Supreme Court, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

[Constitution of 1849, Art. VI, portion of § 9.]

Jurisdiction of inferior courts.

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of

section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

[Constitution of 1849, Art. VI, § 10.]

73 Cal. 507; 78 Cal. 560, 563, 564; 85 Cal. 336, 342; 97 Cal. 217; 120 Cal. 401; 151 Cal. 469.

Clerks of courts—Court commissioners.

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

[Constitution of 1849, Art. VI, § 11.]

56 Cal. 101; 95 Cal. 47; 103 Cal. 491; 140 Cal. 12.

Fees.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

[Constitution of 1849, Art. VI, § 13.]

Publication of opinions of the Supreme Court.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

[Constitution of 1849, Art. VI, § 14.]

80 Cal. 222; 129 Cal. 503.

Salaries of Justices of the Supreme Court and District Courts of Appeal and of Judges of the Superior Courts.

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the Judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [*Amendment adopted November 6, 1906.*]

[*Amendment of 1904.*] SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 17. The Justices of the Supreme Court and Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State;

the other half thereof shall be paid by the county for which he is elected. During the term of the first judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, who shall receive four thousand dollars each.

[Constitution of 1849, Art. VI, § 15.]

55 Cal. 238; 87 Cal. 396; 138 Cal. 37; 148 Cal. 70; VIII Cal. App. Dec. 52.

Certain Justices and Judges not eligible to other than judicial offices—When.

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment, than a judicial office or employment, during the term for which they shall have been elected.

[Constitution of 1849, Art. VI, § 16.]

54 Cal. 154; 118 Cal. 483; 125 Cal. 443; XXXVI Cal. Dec. 239.

Charge to juries.

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

[Constitution of 1849, Art. VI, § 17.]

54 Cal. 154; 55 Cal. 238; 56 Cal. 193; 64 Cal. 468; 65 Cal. 260, 261, 431, 569; 70 Cal. 68; 73 Cal. 516; 76 Cal. 411, 428; 77 Cal. 98; 78 Cal. 173; 86 Cal. 33; 88 Cal. 142, 270, 426; 92 Cal. 490; 96 Cal. 181; 97 Cal. 453; 98 Cal. 279, 354; 104 Cal. 366, 485; 105 Cal. 230, 664; 106 Cal. 80; 111 Cal. 9, 149; 112 Cal. 254; 113 Cal. 90; 115 Cal. 14; 119 Cal. 169, 170, 171; 124 Cal. 105; 129 Cal. 262, 499, 500, 501, 503, 509, 510, 514; 130 Cal. 8; 133 Cal. 398; 134 Cal. 529; 139 Cal. 164; 142 Cal. 111; 149 Cal. 41; 4 Cal. App. 96, 218.

Style of process.

SEC. 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

[Constitution of 1849, Art. VI, § 18.]

103 Cal. 413, 501; 118 Cal. 483; 122 Cal. 288, 289; 153 Cal. 167.

Supreme Court reporter.

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 21. The justices shall appoint a reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

57 Cal. 138; 64 Cal. 165.

Judges not to practice law.

SEC. 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

Qualification of judges.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

Condition of receiving salary.

SEC. 24. No Judge of the Supreme Court, nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court. [*Amendment adopted November 8, 1904.*]

[*Original Section.*] SEC. 24. No Judge of a Superior Court, nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary, unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

62 Cal. 514; 7 Cal. App. 228.

Supreme Court Commission abolished.

SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A. D. 1905. [*New section; adopted November 8, 1904.*]

ARTICLE VII.

PARDONING POWER.

Vested in Governor.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legis-

lature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

[Constitution of 1849, Art. V, § 13.]

64 Cal. 31; 82 Cal. 518; 153 Cal. 702, 703.

ARTICLE VIII.

MILITIA.

Organization of.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

[Constitution of 1849, Art. VII, §§ 1, 2, 3.]

62 Cal. 108; 91 Cal. 647; 137 Cal. 519, 525.

Flag of State militia.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any state or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

Encouragement of education.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

[Constitution of 1849, Art. IX, § 2.]

99 Cal. 150; 118 Cal. 120; 121 Cal. 22; 124 Cal. 699; 151 Cal. 802.

Superintendent of Public Instruction.

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

[Constitution of 1849, Art. IX, § 1.]

56 Cal. 101; 87 Cal. 396.

County Superintendent of Schools.

SEC. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

56 Cal. 101, 102; 114 Cal. 318, 335, 561; 123 Cal. 308.

State school fund.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an Act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been

granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

[Constitution of 1849, Art. IX, § 2.]

67 Cal. 384; 70 Cal. 157; 97 Cal. 431; 104 Cal. 658; 143 Cal. 331.

Common schools, system of.

SEC. 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

[Constitution of 1849, Art. IX, § 3.]

55 Cal. 334, 490, 494, 497; 97 Cal. 431; 99 Cal. 29; 104 Cal. 350; 117 Cal. 523; 124 Cal. 698; 134 Cal. 65; 136 Cal. 379; 141 Cal. 376; 148 Cal. 384, 389, 390.

Public school system, and tax.

SEC. 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 3, 1908.*]

[*Amendment of 1902.*] SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical

schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 4, 1902.*]

[*Original Section.*] SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State school fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.

55 Cal. 334; 84 Cal. 229; 97 Cal. 431; 104 Cal. 63; 107 Cal. 192; 117 Cal. 523; 118 Cal. 119; 124 Cal. 698; 134 Cal. 65; 141 Cal. 375, 380; 148 Cal. 388, 390, 392; 152 Cal. 517, 519.

State Board of Education—Text-books—County Boards of Education.

SEC. 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, and the Principals of the State Normal Schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 6, 1894.*]

[*Amendment of 1884.*] SEC. 7. The Governor, Superintendent of Public Instruction, and the Principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of

State Printing, at the State Printing Office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 4, 1884.*]

[*Original Section.*] SEC. 7. The local Boards of Education, and the Boards of Supervisors, and the County Superintendents of the several counties which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions; the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.

55 Cal. 331, 333, 334; 107 Cal. 192; 114 Cal. 364; 117 Cal. 522, 526.

Sectarian schools—Appropriating money for, prohibited.

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

55 Cal. 334; 71 Cal. 630, 631; 92 Cal. 612; 97 Cal. 431.

University of California.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the Organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Con-

gress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

[Constitution of 1849, Art. IX, § 4.]

55 Cal. 334; 66 Cal. 508; 69 Cal. 216; 104 Cal. 659; 123 Cal. 619; 153 Cal. 778.

Leland Stanford Junior University.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An Act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant

founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special Act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special Act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by Act of the Legislature. [*New section; adopted November 6, 1900.*]

California School of Mechanical Arts.

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1900.*]

143 Cal. 246, 371.

California Academy of Sciences.

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceed-

ings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 8, 1904.*]

Cogswell Polytechnical College.

SEC. 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1906.*]

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

Prison Directors, appointment and term of office.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

61 Cal. 263; 63 Cal. 490.

Powers and duties.

SEC. 2. The board of directors shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

80 Cal. 203; 103 Cal. 225.

Prison officers.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employés of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

135 Cal. 431.

Compensation of Prison Directors.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

61 Cal. 264.

Powers and duties of board of directors and officers.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

56 Cal. 109.

Convict labor.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

Existing counties recognized.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

56 Cal. 103; 61 Cal. 277; 76 Cal. 442; 81 Cal. 497; 88 Cal. 412; 89 Cal. 472, 523; 91 Cal. 467; 104 Cal. 276; 114 Cal. 320, 326, 561; 129 Cal. 573, 574; 134 Cal. 70; 142 Cal. 516; 148 Cal. 748; 152 Cal. 231, 232.

County seat—Removal of.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

61 Cal. 277; 62 Cal. 463; 66 Cal. 450; 68 Cal. 296; 71 Cal. 313; 81 Cal. 497; 87 Cal. 165; 103 Cal. 114; 6 Cal. App. 10.

New counties.

SEC. 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 6, 1894.*]

[*Original Section.*] SEC. 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

56 Cal. 103; 59 Cal. 286; 61 Cal. 277; 62 Cal. 463; 81 Cal. 497; 97 Cal. 331; 114 Cal. 394; 117 Cal. 196, 197, 200; 134 Cal. 522; 142 Cal. 516; 152 Cal. 228; XXXVI Cal. Dec. 264.

County government and township organization.

SEC. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so

determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

[Constitution of 1849, Art. XI, § 4.]

50 Cal. 570; 56 Cal. 103, 637; 58 Cal. 61; 61 Cal. 277; 65 Cal. 123; 73 Cal. 77; 81 Cal. 497; 84 Cal. 76; 92 Cal. 300; 94 Cal. 624; 98 Cal. 224; 109 Cal. 334, 496; 114 Cal. 320, 332, 561; 118 Cal. 308, 404; 121 Cal. 551; 129 Cal. 573, 574; 132 Cal. 444; 134 Cal. 70; 135 Cal. 514; XXXVI Cal. Dec. 264.

County and township officers, juries, and compensation.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them,

and for all public and municipal moneys which may be paid to them, or officially come into their possession.

[Constitution of 1849, Art. XI, §§ 5 and 9.]

53 Cal. 748; 56 Cal. 95, 103, 107, 108, 109, 110, 111; 58 Cal. 90, 569, 571; 60 Cal. 513, 514, 516; 61 Cal. 277, 316; 62 Cal. 566; 65 Cal. 123, 288, 290; 66 Cal. 4; 73 Cal. 77; 76 Cal. 95; 81 Cal. 497, 500; 84 Cal. 75; 88 Cal. 531; 89 Cal. 472; 94 Cal. 604, 608, 618, 619, 624, 625, 629; 95 Cal. 332, 473, 474, 475; 98 Cal. 222, 228; 99 Cal. 611; 100 Cal. 273, 274; 103 Cal. 394, 499; 104 Cal. 130; 105 Cal. 626; 106 Cal. 197; 109 Cal. 334, 497; 111 Cal. 103, 104, 105, 370, 569; 113 Cal. 516, 645; 114 Cal. 327, 561; 115 Cal. 538, 548; 118 Cal. 308, 404, 408; 120 Cal. 391; 125 Cal. 192; 128 Cal. 247, 249; 129 Cal. 573, 574; 131 Cal. 550; 134 Cal. 70; 135 Cal. 514, 650; 136 Cal. 376, 377, 378, 655; 141 Cal. 429, 516, 726, 727, 728; 142 Cal. 516; 144 Cal. 269, 274; 145 Cal. 425; 148 Cal. 747, 753, 754; 153 Cal. 168; XXXVI Cal. Dec. 264, 411, 412; 3 Cal. App. 182, 274; 5 Cal. App. 467, 679.

Municipal corporations.

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [*Amendment adopted November 3, 1896.*]

[*Original Section.*] SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore

or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

55 Cal. 244, 245, 246, 247, 250; 58 Cal. 566, 575; 60 Cal. 81; 61 Cal. 277, 319; 64 Cal. 242; 66 Cal. 5; 69 Cal. 465, 470, 475, 479; 73 Cal. 76, 312, 622; 74 Cal. 26, 125; 76 Cal. 446, 449, 450, 452; 79 Cal. 354; 81 Cal. 490, 497; 82 Cal. 341, 342, 344, 345; 85 Cal. 346; 86 Cal. 41, 51, 53, 54, 56; 87 Cal. 92, 606; 88 Cal. 373; 91 Cal. 249; 92 Cal. 316; 94 Cal. 74, 621; 95 Cal. 111; 97 Cal. 433; 99 Cal. 560; 100 Cal. 574; 102 Cal. 304; 104 Cal. 275, 644, 647, 648; 111 Cal. 103, 105; 114 Cal. 147, 321, 322; 115 Cal. 514; 117 Cal. 573; 118 Cal. 403, 404, 405, 406, 407; 120 Cal. 391, 394, 395; 123 Cal. 459, 460, 603, 607; 126 Cal. 386, 387, 392, 394, 396, 400, 401, 410; 127 Cal. 666; 129 Cal. 514, 593, 594; 131 Cal. 33; 132 Cal. 381, 442; 133 Cal. 104; 135 Cal. 519; 138 Cal. 131, 152; 141 Cal. 207, 213, 214, 215; 142 Cal. 515; 143 Cal. 553, 555, 556, 558, 560, 567, 569, 573; 144 Cal. 391; 145 Cal. 634, 688; 147 Cal. 535, 778; 148 Cal. 382, 629, 752; 150 Cal. 82; 151 Cal. 470, 472, 652, 654; 152 Cal. 7, 230, 594; 153 Cal. 165, 166, 169; XXXVI Cal. Dec. 179, 264; 1 Cal. App. 633; 3 Cal. App. 274; 4 Cal. App. 238; 5 Cal. App. 578, 580, 581; 6 Cal. App. 223; VI Cal. App. Dec. 556; VIII Cal. App. Dec. 224.

Consolidation of city and county governments.

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1894.*]

[*Original Section.*] SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments of more than one hundred thousand

population, there shall be two Boards of Supervisors or houses of legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy occurring in the office of Supervisor, in either Board, shall be filled by the Mayor or other chief executive officer.

55 Cal. 243, 244, 245, 246, 247, 248, 249, 250, 251, 252; 56 Cal. 104; 58 Cal. 566; 60 Cal. 81; 61 Cal. 37, 277; 64 Cal. 242; 79 Cal. 113; 84 Cal. 306; 91 Cal. 590; 93 Cal. 158; 95 Cal. 473; 111 Cal. 103; 113 Cal. 645; 114 Cal. 320, 321; 118 Cal. 408; 126 Cal. 409, 412; 129 Cal. 574, 593, 594; 135 Cal. 519; 153 Cal. 167.

Charters of cities and amendments thereto.

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution, (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall

become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the Constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 6, 1906.*]

[*Amendment of 1902.*] SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty

days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 4, 1902.*]

[*Amendment of 1892.*] SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily news-

papers of general circulation in such city for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election; and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 8, 1892.*]

[*Amendment of 1890.*] SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city, for at least twenty days, and within not less than thirty days

after such publication it shall be submitted to the qualified electors of such city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the recorder of deeds of the county, among the archives of the city. All courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Any city containing a population of more than ten thousand and not more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in two daily newspapers of general circulation in such city, for at least twenty days; and the first publication shall be made within twenty days after the completion of the charter and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of altera-

tion or amendment; such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter and any amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city, to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Any city containing a population of more than three thousand five hundred and not more than ten thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified electors of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in a daily paper of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter, and any amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the

seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified voters voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted November 4, 1890.*]

[*Amendment of 1887.*] SEC. 8. Any city, or consolidated city and county, containing a population of more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, or city and county, at any general or special election, whose duty it shall be, within one hundred days after such election, to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, or city and county, and the other to the recorder of deeds of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days, and such publication shall be commenced within twenty (20) days after the completion of the charter; and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors thereof at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and

its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the recorder of deeds of the county, or city and county, among the archives of the city, or city and county. All courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by legislative authority of the city, or city and county, to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Any city, or consolidated city and county, containing a population of more than ten thousand and not more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of the State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, or city and county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of said city, or city and county, and the other to the Recorder of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days; and publication shall be commenced within twenty days after the completion of the charter; and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors of said city, or city and county, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and shall supersede any existing charter, and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of the county, or city and county,

among the archives of the city, or city and county; and thereafter all courts shall take judicial notice thereof. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city, or city and county, to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Amendment adopted April 12, 1887.*]

[*Original Section.*] SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the recorder of deeds of the county, among the archives of the city; all courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by legislative authority of the city to the qualified voters thereof at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or

amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

54 Cal. 405; 55 Cal. 253, 613, 616, 617, 618, 625; 56 Cal. 104; 60 Cal. 81, 347; 61 Cal. 277, 321; 69 Cal. 477; 73 Cal. 80, 82, 83, 87, 89, 90; 79 Cal. 174, 176; 82 Cal. 342, 344; 85 Cal. 243, 335, 343, 345; 86 Cal. 40, 51, 52, 55, 56, 57; 87 Cal. 605, 606; 92 Cal. 612, 614, 616; 97 Cal. 593; 100 Cal. 572, 574; 105 Cal. 623, 624; 114 Cal. 147, 321, 364, 586; 115 Cal. 516; 119 Cal. 3, 233; 121 Cal. 265, 267, 553; 123 Cal. 605; 126 Cal. 385, 390, 400, 406, 409, 412; 128 Cal. 463; 129 Cal. 574, 593, 594; 130 Cal. 89; 131 Cal. 264; 132 Cal. 375, 441; 133 Cal. 104, 344; 134 Cal. 52; 135 Cal. 515; 138 Cal. 131; 141 Cal. 207, 213; 142 Cal. 300; 143 Cal. 556, 560, 569; 145 Cal. 175, 291, 688, 742, 749; 147 Cal. 530, 534; 148 Cal. 133; 150 Cal. 74, 81, 82, 89, 92, 93; 151 Cal. 467; 152 Cal. 9; 153 Cal. 164; 4 Cal. App. 238; 6 Cal. App. 219, 224; VI Cal. App. Dec. 696; VIII Cal. App. Dec. 224.

Charters of cities, what may provide.

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation.

and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [*New section; adopted November 3, 1896.*]

120 Cal. 397, 398, 399, 400; 126 Cal. 406, 410, 411; 128 Cal. 462; 132 Cal. 441, 442, 443, 444, 447; 135 Cal. 514, 515, 517, 520; 136 Cal. 586, 587; 145 Cal. 53, 742, 744, 748; 148 Cal. 133; 151 Cal. 470, 472; 153 Cal. 164, 165; 3 Cal. App. 719, 721; 6 Cal. App. 224, 738, 740.

Compensation and term of officers not to be increased, when.

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

55 Cal. 334; 61 Cal. 277; 62 Cal. 563, 566; 67 Cal. 119; 81 Cal. 497, 590; 85 Cal. 596; 87 Cal. 396; 92 Cal. 319; 94 Cal. 603, 608, 618, 623, 627; 95 Cal. 473, 474, 475; 98 Cal. 221, 223; 104 Cal. 66, 644, 649; 109 Cal. 508, 517; 114 Cal. 123; 118 Cal. 309, 362; 129 Cal. 527; 136 Cal. 65; 138 Cal. 16; 144 Cal. 277; 145 Cal. 197; XXXVI Cal. Dec. 410; VI Cal. App. Dec. 522, 539, 540, 541, 545, 547. 548.

Not to be released from taxes.

SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

61 Cal. 277; 92 Cal. 319, 342; 104 Cal. 644; 141 Cal. 210.

Local laws.

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

53 Cal. 481; 57 Cal. 607; 61 Cal. 277, 375; 62 Cal. 540; 65 Cal. 35, 270; 66 Cal. 449, 450; 67 Cal. 103; 68 Cal. 296, 300; 69 Cal. 90, 92, 151, 610; 72 Cal. 115; 73 Cal. 77, 148, 371, 633; 74 Cal. 23; 76 Cal. 512; 77 Cal. 542; 84 Cal. 305; 87 Cal. 165; 90 Cal. 620; 91 Cal. 590; 92 Cal. 342; 94 Cal. 391; 96 Cal. 356, 607, 608; 98 Cal. 556, 684; 99 Cal. 560; 102 Cal. 163, 489; 103 Cal. 114; 104 Cal. 278, 644; 105 Cal. 161; 106 Cal. 283; 108 Cal. 327; 109 Cal. 321; 112 Cal. 70; 114 Cal. 322; 124 Cal. 347, 348; 128 Cal. 435; 129 Cal. 574; 131 Cal. 466; 134 Cal. 70, 75, 111, 145; 139 Cal. 183; 140 Cal. 230; 143 Cal. 371; 145 Cal. 631, 637, 640; 147 Cal. 334; 149 Cal. 761; 150 Cal. 80, 82, 84, 91; 152 Cal. 470; XXXVI Cal. Dec. 258, 501; XXXVII Cal. Dec. 140; 1 Cal. App. 184; 2 Cal. App. 722, 768; 5 Cal. App. 499, 597; 6 Cal. App. 10; VI Cal. App. Dec. 740; VII Cal. App. Dec. 37, 132, 236, 386; VIII Cal. App. Dec. 224.

Legislature not to impose taxes on.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

58 Cal. 644; 60 Cal. 32, 155; 61 Cal. 277; 62 Cal. 643; 65 Cal. 271, 288, 290; 66 Cal. 449, 450, 451; 69 Cal. 90, 149, 610; 71 Cal. 313; 73 Cal. 77, 372; 74 Cal. 117; 77 Cal. 542, 543; 87 Cal. 503, 607; 88 Cal. 359; 92 Cal. 319, 342; 93 Cal. 418; 97 Cal. 218, 219; 99 Cal. 561; 100 Cal. 272; 102 Cal. 111, 471; 104 Cal. 644; 112 Cal. 70; 117 Cal. 86; 121 Cal. 551; 124 Cal. 696; 129 Cal. 602, 604; 134 Cal. 148; 137 Cal. 520; 143 Cal. 567; 144 Cal. 333; 150 Cal. 90; XXXVI Cal. Dec. 267; 5 Cal. App. 648; VII Cal. App. Dec. 34.

Municipal power not granted by Legislature.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or indi-

vidual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

55 Cal. 618; 59 Cal. 96; 60 Cal. 32; 61 Cal. 277; 64 Cal. 507; 71 Cal. 311, 312, 313, 314, 630, 631; 80 Cal. 270; 86 Cal. 48; 87 Cal. 607; 88 Cal. 359, 412; 97 Cal. 219; 99 Cal. 560; 112 Cal. 329, 564; 113 Cal. 399; 118 Cal. 308; 121 Cal. 552; 125 Cal. 193, 194; 126 Cal. 134; 133 Cal. 103; 144 Cal. 333; 148 Cal. 631; 150 Cal. 82, 86; 152 Cal. 234.

State, county, and municipal bonds.

SEC. 13½. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the State, to make said bonds payable at any place within the United States designated in said bonds. [*New section; adopted November 6, 1906.*]

Local inspection officers.

SEC. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

55 Cal. 618; 59 Cal. 279; 61 Cal. 277; 73 Cal. 77; 81 Cal. 497; 87 Cal. 607; 98 Cal. 467; 153 Cal. 362.

Private property not to be sold for corporate debt.

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

54 Cal. 259, 619; 61 Cal. 277; 81 Cal. 498.

Moneys to be immediately deposited with Treasurer.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other

corporation, respectively, for the benefit of the funds to which they respectively belong.

61 Cal. 277; 81 Cal. 498; 84 Cal. 76; 86 Cal. 45; 87 Cal. 607; 92 Cal. 319, 342; 95 Cal. 150; 97 Cal. 219; 103 Cal. 493; 108 Cal. 565; 112 Cal. 315, 329; 113 Cal. 211; 120 Cal. 5; 126 Cal. 134; 146 Cal. 719.

Deposit of moneys belonging to State, county or municipality.

SEC. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*New section; adopted November 6, 1906.*]

152 Cal. 8, 9.

Public funds not to be used for private profit.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

61 Cal. 277; 81 Cal. 498; 87 Cal. 608; 97 Cal. 219; 113 Cal. 211; 136 Cal. 445.

Annual debt not to exceed annual income—exceptions.

SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income

and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however,* that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teacher's salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further,* that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [*Amendment adopted November 6, 1900.*]

Section 18 amended by adding the following, adopted November 6, 1906: The City and County of San Francisco, the City of San José and the Town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

[*Amendment of 1892.*] SEC. 18. No county, city, town, township, board of education, or school district shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose,

nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. [*Amendment adopted November 8, 1892.*]

[*Original Section.*] SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

[Constitution of 1849, Art. IV, § 37.]

61 Cal. 277; 62 Cal. 642; 74 Cal. 259, 417; 75 Cal. 505; 80 Cal. 363; 81 Cal. 498; 86 Cal. 45; 89 Cal. 114; 92 Cal. 342; 97 Cal. 219; 99 Cal. 149, 413, 415; 107 Cal. 181, 184, 648; 109 Cal. 153; 111 Cal. 322; 112 Cal. 163, 313, 326, 540, 546; 113 Cal. 202; 115 Cal. 37; 118 Cal. 530, 531, 535, 544, 552; 119 Cal. 44, 227, 634; 124 Cal. 67; 131 Cal. 297; 135 Cal. 500; 136 Cal. 405; 143 Cal. 179; 144 Cal. 395; 146 Cal. 730, 732; 148 Cal. 709; 150 Cal. 86; 152 Cal. 172, 173, 177; 153 Cal. 374; 7 Cal. App. 412, 413.

Use of streets for gas and water pipes.

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or

with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Amendment adopted November 4, 1884.*]

[*Original Section.*] SEC. 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

54 Cal. 246; 56 Cal. 654; 57 Cal. 616; 61 Cal. 24, 277; 62 Cal. 108, 209, 232; 69 Cal. 466, 481, 482, 515; 72 Cal. 5, 6; 73 Cal. 75; 79 Cal. 281; 81 Cal. 497; 82 Cal. 307; 92 Cal. 342; 93 Cal. 161; 98 Cal. 618; 118 Cal. 5, 483, 584, 586; 129 Cal. 402, 403; 137 Cal. 118, 119; 142 Cal. 287; 143 Cal. 371; 145 Cal. 632, 633, 634, 635, 639, 640; 148 Cal. 315, 327, 333, 370; 150 Cal. 558, 559; 151 Cal. 428; 152 Cal. 586, 594; 153 Cal. 27; 1 Cal. App. 673, 677, 678; 2 Cal. App. 560, 722.

ARTICLE XII.

CORPORATIONS.

Corporations, how formed.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in this State concerning corporations, and all laws that may be

hereafter passed pursuant to this section, may be altered from time to time or repealed.

[Constitution of 1849, Art. IV, § 31.]

61 Cal. 38, 201; 64 Cal. 253; 73 Cal. 77; 77 Cal. 371; 83 Cal. 396, 413; 85 Cal. 347; 92 Cal. 316; 109 Cal. 584; 123 Cal. 527; 125 Cal. 412; 131 Cal. 33; 153 Cal. 702, 703; 1 Cal. App. 67; XXXVI Cal. Dec. 264, 266, 267, 271.

Corporations, dues from.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

[Constitution of 1849, Art. IV, § 32.]

62 Cal. 460, 463; 64 Cal. 253; 125 Cal. 410.

Corporation stockholders and directors, liability of.

SEC. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders in any such exposition company shall be and the same is hereby limited to an amount not exceeding the par value of the stock of said corporation subscribed for by such stockholders. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-

stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee.

[Constitution of 1849, Art. IV, § 36.]

59 Cal. 286; 62 Cal. 448, 461, 463; 63 Cal. 236, 239; 87 Cal. 32; 97 Cal. 95; 108 Cal. 425; 111 Cal. 63, 66, 67, 71; 114 Cal. 331; 116 Cal. 384; 122 Cal. 523, 524; 124 Cal. 150; 125 Cal. 410, 412; 136 Cal. 437, 449; 142 Cal. 384; 143 Cal. 224; 147 Cal. 640; 4 Cal. App. 292, 293; 5 Cal. App. 705; XXXVI Cal. Dec. 285.

Corporations, what they include.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.

[Constitution of 1849, Art. IV, § 33.]

65 Cal. 123; 95 Cal. 592; 153 Cal. 703.

Banking corporations.

SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

[Constitution of 1849, Art. IV, §§ 34 and 35.]

73 Cal. 77; XXXVI Cal. Dec. 264, 267.

Existing charters, invalid in certain cases.

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Franchises or charters not to be extended by Legislature—Extension of corporate existence.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of

any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations. [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter, of any corporation now existing, or which shall hereafter exist, under the laws of this State.

91 Cal. 340; 121 Cal. 19; XXXVI Cal. Dec. 262, 263, 268, 270.

Corporate property subject to eminent domain.

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

Limitation on business of corporations.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate, except such as may be necessary for carrying on its business.

107 Cal. 643; 133 Cal. 612; 143 Cal. 206; 3 Cal. App. 710.

Liabilities not released by transfer of franchise.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

72 Cal. 466; 116 Cal. 100; 152 Cal. 586; XXXVI Cal. Dec. 223.

Issuance of stock.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

56 Cal. 651, 652, 654, 655; 59 Cal. 331; 61 Cal. 202; 64 Cal. 243, 253; 65 Cal. 617; 72 Cal. 56; 73 Cal. 77; 93 Cal. 307, 308, 309, 315; 114 Cal. 331; 117 Cal. 344; 135 Cal. 250, 582, 585; 147 Cal. 582; 152 Cal. 457; 2 Cal. App. 130; XXXVI Cal. Dec. 134.

Elections for directors.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of coöperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

67 Cal. 535; 73 Cal. 77; 109 Cal. 597.

State credit not to be loaned.

SEC. 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

[Constitution of 1849, Art. XI, § 10.]

Corporations must maintain a place of business.

SEC. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

135 Cal. 584, 625; 2 Cal. App. 639.

Foreign corporations.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

97 Cal. 28; 99 Cal. 133; 115 Cal. 311; 146 Cal. 651; XXXVI Cal. Dec. 329.

Corporations may be sued, where.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial, as in other cases.

66 Cal. 209; 71 Cal. 488, 490; 73 Cal. 183, 184, 185; 83 Cal. 469, 473, 493; 88 Cal. 611; 94 Cal. 137; 97 Cal. 138, 643; 98 Cal. 167; 102 Cal. 48; 106 Cal. 58; 107 Cal. 380; 108 Cal. 262; 115 Cal. 200; 117 Cal. 52; 122 Cal. 649; 134 Cal. 587, 588, 589, 590; 136 Cal. 439; 141 Cal. 315; 144 Cal. 205, 207; 150 Cal. 468, 474, 475; 151 Cal. 159; 4 Cal. App. 370; 6 Cal. App. 87; VIII Cal. App. Dec. 272.

Common carriers.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

132 Cal. 685; 2 Cal. App. 560; 3 Cal. App. 683.

Limit on interest of an officer or agent.

SEC. 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

132 Cal. 686.

Public officers not to receive passes.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

61 Cal. 201, 202; 114 Cal. 476; 132 Cal. 686; 145 Cal. 639.

Earnings not to be shared—Rates not to be increased.

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from

such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

132 Cal. 684, 686; 133 Cal. 26, 28; 144 Cal. 184, 193.

Discrimination forbidden

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

109 Cal. 322; 132 Cal. 684, 686; 144 Cal. 193.

Railroad Commissioners—Number, election, term, qualifications, powers and duties, how removed from office.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpœnas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons

and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary, to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

56 Cal. 102; 79 Cal. 163; 105 Cal. 320, 544, 555; 132 Cal. 678, 684, 687, 689, 690; 133 Cal. 26, 27, 28; 142 Cal. 225.

Railroad districts.

SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

132 Cal. 679; 142 Cal. 225.

Legislature to enforce this article.

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

Property to be taxed according to value—Exemptions.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona

fide residents of this State. [*Amendment adopted November 6, 1894.*]

[*Original Section.*] SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

[Constitution of 1849, Art. XI, § 13.]

54 Cal. 353, 360, 361; 56 Cal. 202; 57 Cal. 594, 600, 603, 616; 58 Cal. 137, 138; 59 Cal. 336; 62 Cal. 108, 112, 114; 64 Cal. 507; 65 Cal. 271, 457; 66 Cal. 603; 77 Cal. 138; 83 Cal. 406; 97 Cal. 220, 324; 103 Cal. 70; 108 Cal. 192, 193; 111 Cal. 86; 113 Cal. 397; 116 Cal. 23, 24; 117 Cal. 86; 119 Cal. 521, 522; 128 Cal. 592, 612; 131 Cal. 362, 613; 132 Cal. 268, 600; 134 Cal. 478; 137 Cal. 518, 519, 524, 525; 139 Cal. 210; 142 Cal. 225, 284, 290; 148 Cal. 85; 149 Cal. 583; 152 Cal. 767; 153 Cal. 778; 2 Cal. App. 68, 595; XXXVII Cal. Dec. 159.

Churches exempt from taxation.

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section; adopted November 6, 1900.*]

State, county, city and district bonds exempt from taxation.

SEC. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation. [*New section; adopted November 4, 1902.*]

Assessment and improvements to be separately assessed.

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

104 Cal. 621, 622; 137 Cal. 525; 149 Cal. 87.

Assessment of tracts of land.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

140 Cal. 582.

Taxation of mortgages and securities.

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

57 Cal. 600; 59 Cal. 543, 544; 60 Cal. 36, 37, 58, 371; 65 Cal. 383, 384; 66 Cal. 213; 72 Cal. 36; 76 Cal. 293; 77 Cal. 137, 138; 83 Cal. 396; 84 Cal. 301; 89 Cal. 202; 91

Cal. 11; 96 Cal. 625, 627, 635, 637; 99 Cal. 609; 113 Cal. 397; 118 Cal. 492, 493; 121 Cal. 343; 123 Cal. 355; 128 Cal. 592, 593, 594, 595, 597, 598, 610, 611; 129 Cal. 298; 131 Cal. 361; 134 Cal. 86, 87; 144 Cal. 435, 436; 145 Cal. 55; 153 Cal. 615.

Contract to pay tax on borrowed money, void.

SEC. 5. [*Repealed November 6, 1906.*]

[*Original Section.*] SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

59 Cal. 544; 76 Cal. 292, 293; 91 Cal. 11; 96 Cal. 626; 99 Cal. 495, 608, 609, 611; 103 Cal. 376; 104 Cal. 107, 110; 110 Cal. 541; 123 Cal. 218; 131 Cal. 604; 140 Cal. 579; VII Cal. App. Dec. 216.

Power of taxation not to be impaired.

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

Payment of taxes by installments.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

Taxpayer to make statement to County Assessor.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

56 Cal. 206; 61 Cal. 103; 73 Cal. 622, 623, 624; 96 Cal. 626; 131 Cal. 39; VII Cal. App. Dec. 34.

State and County Boards of Equalization.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight

hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [*Amendment adopted November 4, 1884.*]

[*Original Section.*] SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of their respective districts at the general election to be held in the year eighteen hundred and seventy-nine, whose term of office, after those first elected, shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to the county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any

assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

56 Cal. 102, 195; 59 Cal. 324, 329, 334; 60 Cal. 27, 30, 60; 61 Cal. 55, 102; 67 Cal. 624, 625; 68 Cal. 497; 69 Cal. 474; 97 Cal. 324; 113 Cal. 401.

Property, where and by whom assessed.

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

56 Cal. 201, 207; 59 Cal. 325; 60 Cal. 12, 28, 29, 31, 32, 33, 58, 59, 60; 61 Cal. 255; 62 Cal. 565; 63 Cal. 467, 469, 608; 64 Cal. 483; 82 Cal. 406; 83 Cal. 396, 401; 105 Cal. 591; 125 Cal. 499; 128 Cal. 592, 593; 137 Cal. 515, 660; 142 Cal. 223, 234; 143 Cal. 432; 148 Cal. 317, 322, 323; 149 Cal. 84, 85, 89; 153 Cal. 54; 5 Cal. App. 648.

Personal property exempt from taxation.

SEC. 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation. [*New section; adopted November 8, 1904.*]

Income taxes.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Poll tax.

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on

every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State school fund.

104 Cal. 63, 64, 66; 135 Cal. 517; 148 Cal. 248.

Young trees and vines exempt from taxation.

SEC. 12¾. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [*New section; adopted November 6, 1894.*]

137 Cal. 524.

Legislature to pass laws to enforce taxation.

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

56 Cal. 202; 83 Cal. 394, 401, 402, 405, 406; 137 Cal. 525.

ARTICLE XIV.

WATER AND WATER RIGHTS.

Subject to control of State.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time,

shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

53 Cal. 611; 56 Cal. 237, 596; 60 Cal. 169, 170, 175, 176, 177; 61 Cal. 4, 5, 9, 14, 25, 28, 30, 34, 37, 38, 41, 47, 50, 53; 62 Cal. 209, 232; 67 Cal. 121; 69 Cal. 309; 74 Cal. 573; 76 Cal. 370; 82 Cal. 302, 303, 331, 337; 90 Cal. 640; 98 Cal. 183; 100 Cal. 125, 130, 133, 138; 105 Cal. 91; 107 Cal. 225; 108 Cal. 90, 560; 112 Cal. 433; 118 Cal. 479, 563, 565, 579; 122 Cal. 286, 288; 129 Cal. 441, 442, 443, 444, 445, 449, 450, 451; 130 Cal. 123, 313; 139 Cal. 28, 434, 441, 442; 142 Cal. 287; 143 Cal. 252; 144 Cal. 593; 150 Cal. 89; 151 Cal. 57; 152 Cal. 588, 729; 2 Cal. App. 187, 413, 417.

Right to collect rates is a franchise.

SEC. 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

56 Cal. 596; 60 Cal. 170; 61 Cal. 3, 35, 37, 38, 47, 50; 62 Cal. 108, 209, 233, 234; 82 Cal. 304; 118 Cal. 579; 129 Cal. 441, 442, 450; 2 Cal. App. 600.

ARTICLE XV.

HARBOR FRONTAGE, ETC.

Right of the State to frontage.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

123 Cal. 320, 321; 148 Cal. 631.

Access to navigable waters.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage of tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted

to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

123 Cal. 321; 132 Cal. 106.

Tide lands.

SEC. 3. All tide lands within two miles of any incorporated city or town of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

123 Cal. 321; 152 Cal. 735; 153 Cal. 46.

ARTICLE XVI.

STATE INDEBTEDNESS.

Liability exceeding $300,000, how created.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein

stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, [*Amendment adopted November 3, 1908.*]

[*Original Section.*] SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time for the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

[Constitution of 1849, Art. VIII, § 1.]

144 Cal. 694; 148 Cal. 502, 503.

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

Homestead exemption.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

[Constitution of 1849, Art. XI, § 15.]

61 Cal. 353, 354; 62 Cal. 138; 82 Cal. 228, 232, 236; 99 Cal. 48; 111 Cal. 487; 119 Cal. 374; 140 Cal. 621.

Large land holdings discouraged.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

88 Cal. 455; 96 Cal. 118; 111 Cal. 400; 1 Cal. App. 150; 3 Cal. App. 245.

State lands granted only to actual settlers.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

55 Cal. 103, 104, 105; 57 Cal. 76; 65 Cal. 13, 15; 68 Cal. 270, 508; 71 Cal. 321; 72 Cal. 240; 77 Cal. 535; 78 Cal. 8; 82 Cal. 141, 649; 88 Cal. 455, 456, 457, 459; 89 Cal. 44; 90 Cal. 47; 96 Cal. 118; 106 Cal. 490; 111 Cal. 400; 143 Cal. 72; 146 Cal. 543; 148 Cal. 496, 714; 1 Cal. App. 150; 3 Cal. App. 244.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

Amendments, how made.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the quali-

fied electors voting thereon, such amendment or amendments shall become a part of this Constitution.

[Constitution of 1849, Art. X, § 1.]

66 Cal. 633; 69 Cal 468, 473, 481; 72 Cal. 6; 80 Cal. 213; 102 Cal. 117, 120, 125, 126; 123 Cal. 460; 130 Cal. 91, 92; 132 Cal. 268; 1 Cal. App. 677.

In an opinion rendered to Hon. A. B. Nye, State Controller, under date of January 2, 1907, Hon. U. S. Webb, Attorney-General, has this to say relating to the time when amendments to the Constitution take effect:

* * * "I am clearly of the view that this amendment became effective as a provision of the Constitution upon the date of its adoption by the people, to wit: November 6, 1906. This view is further supported by: *Harrison* vs. *Colgan*, 82 Pac. Rep. 674; 8 Cyc. 744; 6 Am. & Eng. Ency. 900." *Harrison* vs. *Colgan* is also reported in 148 Cal. 69, 72. See also *Kingsbury* vs. *Nye*, VIII Cal. App. Dec. 48.

Revision, convention for.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

[Constitution of 1849, Art. X § 2.]

69 Cal. 474; 102 Cal. 126; 123 Cal. 460.

ARTICLE XIX.

CHINESE.

Protection against undesirable aliens.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

84 Cal. 230; 126 Cal. 674; 147 Cal. 651.

Corporations not to employ Chinese.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

NOTE.—SEC. 2. The provisions of this section held to be in conflict with the U. S. Constitution, and therefore void. *In re Parrott*, 5 Pac. Coast Law Journal, p. 161.

No Chinese to be employed on public work.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Chinese immigration to be discouraged.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any

foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

Capital of the State—How changed.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

[Constitution of 1849, Art. XI, § 1.]

102 Cal. 114, 119, 125, 126.

Disqualification and disfranchisement for dueling.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

[Constitution of 1849, Art. XI, § 2.]

XXXVI Cal. Dec. 239.

Oath of office.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law

exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

[Constitution of 1849, Art. XI, § 3.]

79 Cal. 109; 133 Cal. 200; 151 Cal. 804.

Officers or commissioners, election or appointment of.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

[Constitution of 1849, Art. XI, § 6.]

80 Cal. 234; 85 Cal. 416; 110 Cal. 451, 452; 143 Cal. 414, 416.

Fiscal year.

SEC. 5. The fiscal year shall commence on the first day of July.

[Constitution of 1849, Art. XI, § 8.]

89 Cal. 200; 93 Cal. 400; 139 Cal. 524.

Suits against the State.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

[Constitution of 1849, Art. XI, § 11.]

82 Cal. 495, 496; 1 Cal. App. 144; VII Cal. App. Dec. 105.

Marriage contracts.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

[Constitution of 1849, Art. XI, § 12.]

Separate property of husband and wife.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

[Constitution of 1849, Art. XI, § 14.]

116 Cal. 341; 147 Cal. 515.

Perpetuities.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

[Constitution of 1849, Art. XI, § 16.]

58 Cal. 472; 108 Cal. 659; 113 Cal. 139; 138 Cal. 553; 3 Cal. App. 747.

Disqualification for bribery.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

[Constitution of 1849, Art. XI, § 17.]

XXXVI Cal. Dec. 239.

Purity in office-holding and in elections.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

[Constitution of 1849, Art. XI, § 18.]

118 Cal. 489; 120 Cal. 375; XXXVI Cal. Dec. 239.

Residence, when absence does not affect.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

[Constitution of 1849, Art. XI, § 19.]

Election by plurality.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

[Constitution of 1849, Art. XI, § 20.]

143 Cal. 549; 7 Cal. App. 152.

State Board of Health.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

Mechanic's lien.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

61 Cal. 353; 81 Cal. 179; 89 Cal. 111; 97 Cal. 646; 98 Cal. 151; 107 Cal. 623; 109 Cal. 184; 117 Cal. 699; 136 Cal. 125; 138 Cal. 545; 142 Cal. 242; 148 Cal. 583, 737, 150 Cal. 792; 1 Cal. App. 308; 2 Cal. App. 507; 3 Cal. App. 480; 5 Cal. App. 759, 760, 761; VII Cal. App. Dec. 97, 165; VIII Cal. App. Dec. 282.

Term of offices, when not fixed by Constitution.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employé of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employé shall control. [*Amendment adopted November 6, 1906.*]

[*Original Section.*] SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the

authority making the appointment; but in no case shall such term exceed four years.

[Constitution of 1849, Art. XI, § 7.]

55 Cal. 524; 56 Cal. 114; 66 Cal. 655; 79 Cal. 106, 113; 82 Cal. 495; 85 Cal. 416; 93 Cal. 153, 155, 158; 100 Cal. 264; 110 Cal. 451, 452, 453; 127 Cal. 392; 132 Cal. 450; 136 Cal. 581, 654; 138 Cal. 16; 145 Cal. 471; 1 Cal. App. 7; 2 Cal. App. 507; 6 Cal. App. 222, 224.

Hours of labor on public works.

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work, and prescribe proper penalties for the speedy and efficient enforcement of said law. [*Amendment adopted November 4, 1902.*]

[*Original Section.*] SEC. 17. Eight hours shall constitute a legal day's work on all public work.

Sex does not disqualify for business pursuits.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

57 Cal. 605, 607, 608, 610, 611; 60 Cal. 82; 96 Cal. 360, 361; 98 Cal. 556.

Expenses of constitutional convention.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

Elections, when held—Terms of office.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next

before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

[Constitution of 1849, Art. IV, § 39, and Schedule, §§ 8 and 13.]

53 Cal. 747, 748, 749; 55 Cal. 622; 56 Cal. 100, 102, 103, 104, 106, 108, 109, 110, 111, 113; 58 Cal. 560; 62 Cal. 565; 96 Cal. 291; 99 Cal. 44, 45, 46; 116 Cal. 112; VII Cal. App. Dec. 445, 446, 447.

ARTICLE XXI.

BOUNDARY.

Boundary of State.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

[Constitution of 1849, Art. XII, § 1.]

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

Present laws in force.

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

[Constitution of 1849, Schedule, §§ 1 and 3.]

53 Cal. 749; 54 Cal. 247, 345; 56 Cal. 653, 655; 57 Cal. 609, 627; 59 Cal. 131, 550; 60 Cal. 155, 278, 514, 515; 61 Cal. 4, 32, 197, 279; 64 Cal. 68; 67 Cal. 382; 69 Cal. 99, 100, 469, 473; 71 Cal. 310, 312, 314; 75 Cal. 153; 76 Cal. 92; 80 Cal. 236; 93 Cal. 40, 424; 114 Cal. 563; 119 Cal. 428; 121 Cal. 551; 152 Cal. 736; XXXVI Cal. Dec. 167, 270; 1 Cal. App. 64.

Existing obligations and actions unaffected.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

59 Cal. 254; 60 Cal. 515; 66 Cal. 411; 75 Cal. 153.

Certain existing courts abolished.

SEC. 3. All courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and

proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

[Constitution of 1849, Art. VI, § 19.]

54 Cal. 186, 346; 55 Cal. 463; 57 Cal. 542; 58 Cal. 90; 59 Cal. 254; 60 Cal. 307, 515; 66 Cal. 204, 406; 67 Cal. 42; 69 Cal. 99, 520; 75 Cal. 153; 87 Cal. 82, 83; 114 Cal. 331.

Printing of Constitution and proclamation of election therefor.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

[Constitution of 1849, Schedule, § 6.]

Ballots for voting on Constitution.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election

that there are voters in said respective counties, with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

[Constitution of 1849, Schedule, § 6.]

County Clerks to provide poll books, etc.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of election, at each election precinct or polling place in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

[Constitution of 1849, Schedule, § 6.]

Who entitled to vote.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

[Constitution of 1849, Schedule, § 5.]

Returns, how canvassed.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received,

the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said boards shall immediately certify the same in the usual form, to the Governor of the State of California.

[Constitution of 1849, Schedule, § 6.]

Computation of returns and proclamation thereof.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

[Constitution of 1849, Schedule, §§ 6 and 7.]

Terms of officers first elected.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

55 Cal. 611, 622; 56 Cal. 99, 101, 103, 104, 105, 106, 108, 109, 110; 57 Cal. 626; 58 Cal. 559; 60 Cal. 307; 62 Cal. 557, 565, 566; 114 Cal. 333.

Laws relating to judicial system.

SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

59 Cal. 129; 60 Cal. 307; 64 Cal. 235, 253, 378; 66 Cal. 406; 93 Cal. 40; 103 Cal. 491; 114 Cal. 331; 116 Cal. 195; 148 Cal. 70; 1 Cal. App. 574.

Constitution, when to take effect.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

56 Cal. 99, 111; 57 Cal. 627; 59 Cal. 131; 60 Cal. 513.

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

MEMBERS OF THE CONSTITUTIONAL CONVENTION OF 1879.

Name.	County or District Represented.
ANDREWS, A. R.	Trinity and Shasta.
AYERS, JAMES J.	Fourth Cong. Dist.
BARBOUR, CLITUS	San Francisco.
*BARNES, WM. H. L.	First Cong. Dist.
BARRY, EDWARD	Nevada and Sierra.
BARTON, JAMES N.	Mendocino.
BEERSTECHER, C. J.	San Francisco.
BELCHER, ISAAC S.	Third Cong. Dist.
BELL, PETER	San Francisco.
*BERRY, J.	Siskiyou and Modoc.
BIGGS, MARION	Third Cong. Dist.
BLACKMER, ELI T.	San Diego.
*BOGGS, H. C.	Napa, Lake and Sonoma.
BOUCHER, JOSIAH	Butte.
BROWN, JOSEPH C.	Tulare.
BURT, SAMUEL B.	Placer.
*CAMPBELL, A. JR.	Alameda.
CAPLES, JAMES	Sacramento.
*CASSERLY, EUGENE	First Cong. Dist.
CHAPMAN, AUG. H.	Butte, Plumas and Lassen.
CHARLES, J. M.	Sonoma.
CONDON, JOHN D.	San Francisco.
*COWDEN, D. H.	Yuba.
CROSS, C. W.	Nevada.
*CROUCH, ROBERT	Napa.
DAVIS, HAMLET	Nevada.
DEAN, J. E.	El Dorado and Alpine.
DOWLING, PATRICK T.	San Francisco.
DOYLE, LUKE D.	San Francisco.
DUDLEY, J. M.	Solano.

*Did not sign the Constitution, being absent on the day it was adopted by the Convention.

Name.	County or District Represented.
DUDLEY, W. L.	San Joaquin and Amador.
DUNLAP, PRESLEY	Sacramento.
EAGON, JOHN A.	Amador.
EDGERTON, HENRY	Second Cong. Dist.
ESTEE, MORRIS M.	First Cong. Dist.
ESTEY, THOMAS H.	Contra Costa and Marin.
EVEY, EDWARD	Los Angeles.
FARRELL, SIMON J.	San Francisco.
*FAWCETT, EUGENE	Santa Barbara.
FILCHER, J. A.	Placer.
*FINNEY, CHAS. G., JR.	Ventura.
FREEMAN, A. C.	Sacramento.
FREUD, JACOB R.	San Francisco.
GARVEY, J. B.	Calaveras.
GLASCOCK, B. B.	Colusa.
GORMAN, JOSEPH C.	San Francisco.
GRACE, WILLIAM P.	San Francisco.
GRAVES, WILLIAM J.	Fourth Cong. Dist.
GREGG, V. A.	Kern.
HAGER, JOHN S.	First Cong. Dist.
HAIGHT, HENRY H.	Second Cong. Dist.
HALE, JAMES E.	Second Cong. Dist.
HALL, J. B.	Second Cong. Dist.
HARDWICK, G. M.	Mariposa and Merced.
HARRISON, THOMAS	San Francisco.
HARVEY, JOEL A.	Solano.
HEISKELL, TYLER D.	Stanislaus.
HEROLD, CONRAD	San Francisco.
HERRINGTON, DENNIS W.	Santa Clara.
HILBORN, S. G.	Solano.
HITCHCOCK, J. R. W.	San Joaquin.
HOGE, JOSEPH P.	First Cong. Dist.
HOLMES, SAMUEL A.	Fresno.
HOWARD, VOLNEY E.	Los Angeles.
HOWARD, W. J.	Mariposa and Merced.
HUESTIS, W. F.	Third Cong. Dist.
HUGHEY, WILLIAM P.	San Francisco.
HUNTER, G. W.	El Dorado and Alpine.

*Did not sign the Constitution, being absent on the day it was adopted by the Convention.

Name.	County or District Represented.
INMAN, DANIEL	Alameda.
JOHNSON, G. A.	Sonoma.
JONES, L. F.	Mariposa, Merced and Stanislaus.
JOYCE, PETER J.	San Francisco.
KELLEY, JOHN M.	Third Cong. Dist.
KENNY, BERNARD F.	San Francisco.
KENNY, JOHN J.	San Francisco.
KEYES, JAMES H.	Yuba and Sutter.
KLEINE, CHARLES R.	San Francisco.
LAINE, THOMAS H.	Santa Clara.
LAMPSON, R. M.	Tuolumne and Calaveras.
LARKIN, HENRY	El Dorado.
LARUE, HUGH M.	Second Cong. Dist.
LAVINGE, RAYMOND	San Francisco.
LEWIS, DAVID	San Joaquin.
LINDOW, JOHN F.	San Francisco.
MANSFIELD, JOHN	Fourth Cong. Dist.
MARTIN, EDWARD	Fourth Cong. Dist.
MARTIN, J. WEST	Second Cong. Dist.
MCCALLUM, JOHN G.	Alameda.
MCCOMAS, RUSH	Santa Clara.
MCCONNELL, THOMAS	Sacramento.
MCCOY, JOHN	Nevada.
MCFARLAND, THOS. B.	Sacramento.
MCNUTT, JOHN F.	Yuba.
*MILLER, JOHN F.	First Cong. Dist.
MILLS, HIRAM	Contra Costa.
MOFFAT, WILLIAM S.	San Mateo.
MORELAND, W. W.	Sonoma.
MORRIS, THOMAS	San Francisco.
MORSE, LUCIUS D.	San Francisco and San Mateo.
MURPHY, JAMES E.	Del Norte.
NASON, EDMUND	San Benito.
NELSON, THORWALD K.	San Francisco.
NEUNABER, HENRY	San Francisco.
*NOEL, ALONZO E.	Lake.
O'DONNELL, CHARLES C.	San Francisco.
OHLEYER, GEORGE	Sutter.

*Did not sign the Constitution, being absent on the day it was adopted by the Convention.

Name.	County or District Represented.
O'SULLIVAN, JAMES	San Francisco.
OVERTON, A. P.	Third Cong. Dist.
PORTER, J. M.	Second Cong. Dist.
PROUTY, WILLIAM H.	Amador.
PULLIAM, MARK R. C.	Butte.
REDDY, PATRICK	Mono and Inyo.
REED, CHARLES F.	Solano and Yolo.
REYNOLDS, JAMES S.	San Francisco.
RHODES, JOHN M.	Yolo.
RINGGOLD, CHAS. S.	San Francisco.
ROLFE, HORACE C.	San Diego and San Bernardino.
SCHELL, GEORGE W.	Fourth Cong. Dist.
SCHOMP, JUSTUS	San Joaquin.
SHAFTER, JAMES McM.	Third Cong. Dist.
SHOEMAKER, RUFUS	Second Cong. Dist.
SHUETLEFF, BENJAMIN	Third Cong. Dist.
SMITH, E. O.	Santa Clara.
SMITH, GEORGE V.	Fourth Cong. Dist.
SMITH, HENRY W.	San Francisco.
SOULE, EZRA P.	Plumas and Lassen.
STEDMAN, JOHN C.	San Francisco.
STEELE, GEORGE	San Luis Obispo.
STEVENSON, D. C.	Siskiyou, Modoc, Trinity and Shasta.
STRONG, J. M.	Mariposa and Merced.
STUART, C. V.	Sonoma.
SWEASY, W. J.	Humboldt.
SWENSON, CHARLES	San Francisco.
SWING, RANDOLPH S.	San Bernardino.
TERRY, DAVID S.	San Joaquin.
THOMPSON, S. B.	San Francisco.
TINNIN, W. J.	Third Cong. Dist.
TOWNSEND, F. O.	Mendocino.
TULLY, P. B.	Fourth Cong. Dist.
TURNER, HENRY K.	Sierra.
TUTTLE, DANIEL	Santa Cruz.
VACQUEREL, ALPHONSE P.	San Francisco.
VAN DYKE, WALTER	Second Cong. Dist.
VAN VOORHEIS, WM.	Alameda.
WALKER, HUGH	Marin.
WALKER, JOHN	Tuolumne.

Name.	County or District Represented.
WATERS, BYRON	Fourth Cong. Dist.
WEBSTER, JONATHAN V.	Alameda.
WELLER, JOSEPH R.	Santa Clara.
WELLIN, PATRICK M.	San Francisco.
WEST, JOHN P.	Los Angeles.
WICKES, JOHN T.	Nevada.
WHITE, WILLIAM F.	Santa Cruz, Monterey, and San Benito.
WILSON, H. C.	Tehama.
*WILSON, SAMUEL M.	First Cong. Dist.
WINANS, JOSEPH W.	First Cong. Dist.
WYATT, N. G.	Monterey.

NOTE.—Henry H. Haight and George M. Hardwick died before the assembling of the Convention, and Thomas Morris resigned the first day of the session; on October 5, 1878, the Convention elected J. West Martin, J. M. Strong, and S. B. Thompson, respectively, to fill the vacancies thus created; Bernard F. Kenny died November 21, 1878, and on December 19, 1878, J. J. Kenny was elected by the Convention as his successor; J. M. Strong died November 19, 1878, and W. J. Howard was elected by the Convention to succeed him, on December 18, 1878.

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*Did not sign the Constitution, being absent on the day it was adopted by the Convention.

PROPOSED CONSTITUTIONAL AMENDMENTS.

To be Voted on at the General Election to be Held on the First Tuesday After the First Monday in November, 1910.

The following amendments to the Constitution of California were proposed by the Legislature of 1909. If ratified by vote of the people at the general State election of 1910, they will at once become a part of the Constitution in full force and effect.

SENATE CONSTITUTIONAL AMENDMENT No. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end adding to article thirteen a new section to be numbered section fourteen, amending section ten of article thirteen, and repealing section ten of article eleven thereof, all relating to revenue and taxation.

[Adopted March 19, 1909.]

WHEREAS, It is deemed desirable to separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. There is hereby added to article thirteen a new section to be numbered fourteen and to read as follows:

Section 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether

operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line,

two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other State or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other State or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other State or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other State or country doing business in this State.

(*c*) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other State and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of six tenths of one per centum upon the

value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph

shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(*d*) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*e*) Out of the revenues from the taxes provided for in this section, together with all other State revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions *a*, *b*, and *d* of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section, the taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(*f*) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The

rates of taxation fixed in this section shall remain in force until changed by the Legislature, three fourths of all the members elected to each of the two houses voting in favor thereof.

The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse San Bernardino and Placer counties for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for State purposes only.

(*g*) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section until such tax has been actually paid; but after such payment action may be maintained to recover any tax illegally collected in such manner, and at such time as may now or hereafter be provided by law.

Second. Section ten of article thirteen of said Constitution is hereby amended to read as follows:

Section 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.

Third. Section ten of article eleven of said Constitution is hereby repealed.

SENATE CONSTITUTIONAL AMENDMENT No. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall be exempt from taxation, and to that end amending section one and repealing section four of article thirteen of the Constitution of the State of California.

[Adopted March 16, 1909.]

The Legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Section one of article thirteen is hereby amended to read as follows:

Section 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

Second. Section four of article thirteen is hereby repealed.

SENATE CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to article six, section eight of the Constitution, relating to judges of the Superior Court.

[Adopted March 19, 1909.]

The Legislature of the State of California, at its thirty-eighth regular session, commencing on the 4th day of January, nineteen hundred and nine, two thirds of the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes to the people of the State of California that section eight of article six of the Constitution of this State be amended to read as follows:

Section 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.

SENATE CONSTITUTIONAL AMENDMENT No. 38.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section three of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

[Adopted March 27, 1909.]

The Legislature of the State of California, at its regular session, commencing the 4th day of January, in the year one thou-

sand nine hundred and nine, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section three of Article XI of the Constitution of the State of California, be amended so as to read as follows:

Section 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

SENATE CONSTITUTIONAL AMENDMENT No. 44.

A resolution to propose to the people of the State of California an amendment of the Constitution of the State of California, providing for the classification by the Legislature of cities and towns by population for the purpose of regulating the business of banking, by amending section five, article twelve of the Constitution of the State of California.

[Adopted March 16, 1909.]

The Legislature of the State of California, at its regular session, commencing the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendments to the Constitution of the State of California:

First. Section five of article twelve is hereby amended to read as follows:

Section 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations

or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto to be numbered Section 25 of article one thereof, relating to the right of the people to fish.

[Adopted March 27, 1909.]

The Legislature of the State of California, at its regular session, commencing on the fourth day of January, nineteen hundred and nine, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California to be numbered Section 25 of article one thereof to read as follows:

Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries; and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute provide for the season when and the conditions under which the different species of fish may be taken.

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